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THE NEW REPUBLIC

erl on Mondrian • Rorty on Feyerabend • Wright on Wu

The Color-Blind Court

This summer's decisions on race make it clear: this court is the most significant in a generation—and the promise of restraint was a lie.

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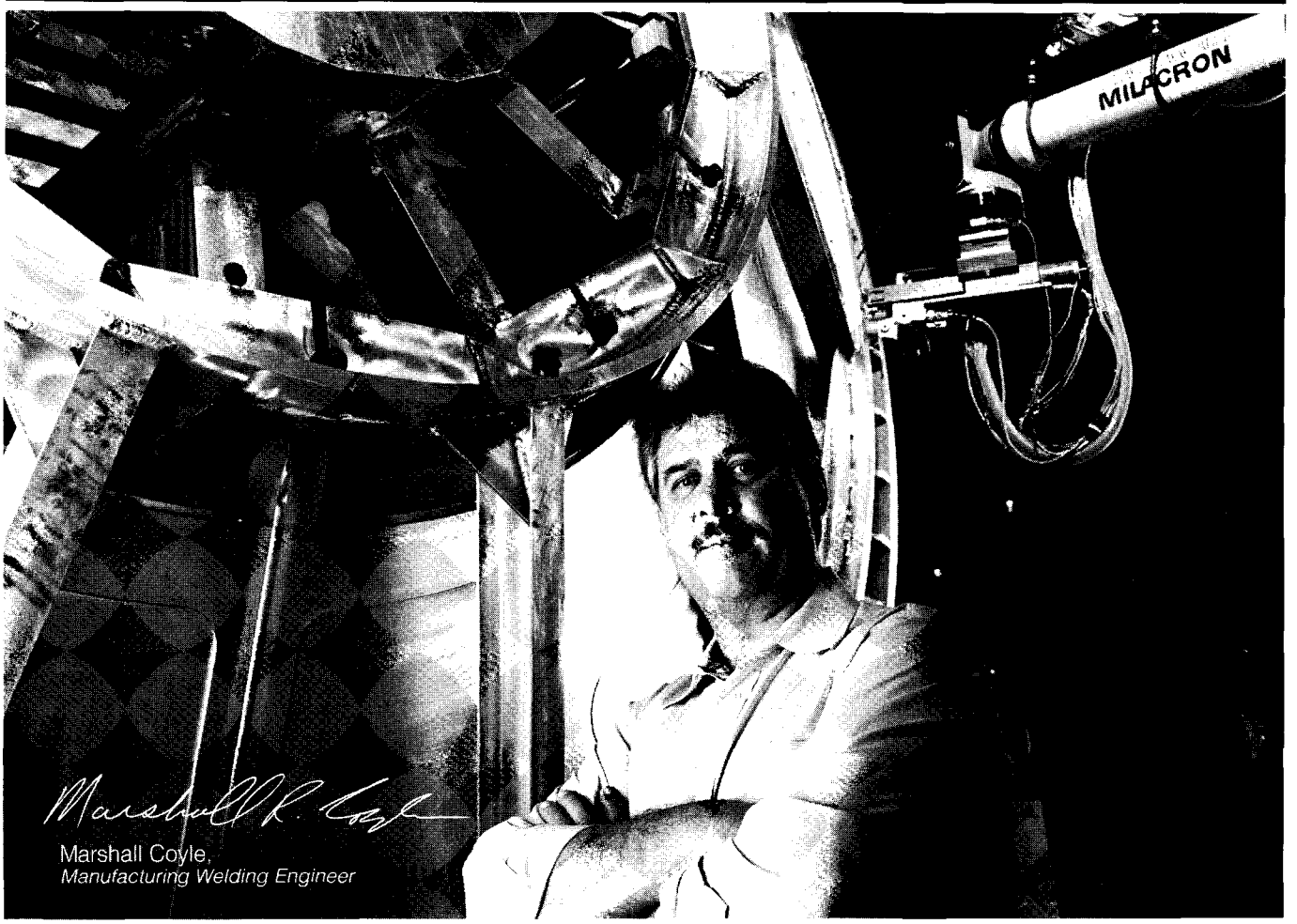
The Space Station. It's about life on Earth.

PROGRESS REPORT

JULY 1995



Marshall Coyle,
Manufacturing Welding Engineer

"WHEN IT COMES TO WELDING PIECES OF THE SPACE STATION TOGETHER, WE HAVE A VERY SIMPLE GOAL: PERFECTION."

"No man-made object is ever going to be perfect. But that doesn't prevent us from trying to make the Space Station as perfect as possible. The one-of-a kind robotic weld station behind me, for instance, can do continuous welds for more than 90 minutes. We use a digital laser to check our results. And then we x-ray every millimeter of every weld. We have already achieved a remarkable record. And we're determined to improve on that."

Cape Canaveral, Florida

Space Shuttle mission STS-71 was successfully launched on June 27. This is an historic shuttle-Mir rendezvous flight that will help Russian and American space agencies learn to work together while testing operational techniques for the International Space Station.

Goleta, California

AEC-Able recently completed testing canisters that contain solar array masts. On orbit, the canisters will deploy the solar arrays that provide power for the Space Station.

Huntsville, Alabama

Rocketdyne has completed five weeks of underwater testing on a photovoltaic (PV) module at Marshall Space Flight Center's Neutral Buoyancy Simulator. Using water to simulate space, astronauts verified the designs of electrical connectors and other PV hardware.

BOEING

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THE NEW REPUBLIC

A Weekly Journal of Opinion

JULY 31, 1995

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CORRESPONDENCE

Ladies first

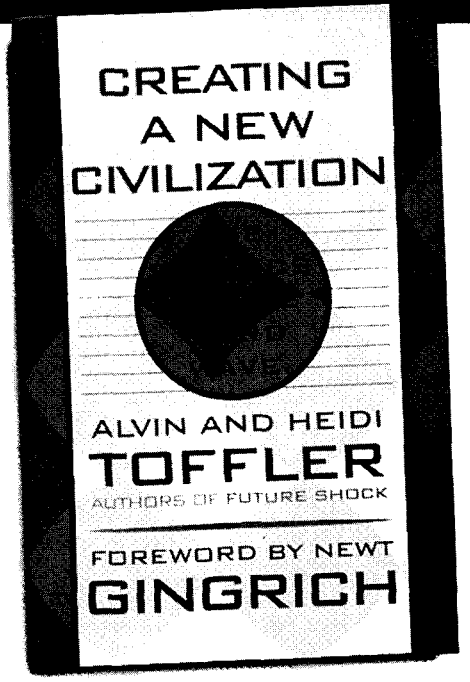
To the editors:

Germaine Greer's belief that "mere relationship to an elected officeholder should simply never be a route to power," is correct but ridiculously unrealistic ("Abolish Her," June 26). Short of a constitutional amendment declaring that presidents must be widowed, single or divorced, there is no way to abolish the power of the spouse and media and public speculation about it. A presidential couple is married, the details and agreements of which have been defined and agreed upon by the only two people who have a right to do so: the spouses. Their paradigm is that each is the other's partner, not president or First Lady. Spousal influence can't be quantified. No matter how Bess Trumany, the spouse will somehow be media-spun into a public figure.

The case that she is powerful only because he is powerful fails to come full circle. He often became powerful because she was his wife. Beginning with George Washington's financial independence and John Adams's tactical political alliances, most could not have become president without the management, political advice and emotional iron of their wives. Reagan, LBJ, Grant, Taft, Truman—read what they said and wrote about and to their wives to get the deal on mutually earned power. Greer's case is about as feminist as that of right-wing Republicans screaming that Hillary has no right to be Hillary, now that she is where she is, because she is also Mrs. William Jefferson Clinton. Most of these women pragmatically sized up the situation: they were only in it for a moment of their lives and it was an outrageously unique chance to use their influence in some way—privately on legislation, publicly on social problems—worth the hassles and concessions. Rosalynn Carter didn't care that she was clawed for not serving liquor—but she did push through the Mental Health Systems Act of 1980. One can't ignore that most of those who made real contributions to change did not want personal credit for doing so as much as they wanted to achieve the change: Eleanor Roosevelt and the National Relief Administration, Lady Bird Johnson and Head Start, Florence Harding and the first federal all-women's prison.

CARL SFERRAZZA ANTHONY
Washington, D.C.

NEW YORK TIMES
BESTSELLER–12 WEEKS



"The Tofflers are back in vogue. The GOP boss thinks they have divined the future."
—U.S. News & World Report

"You don't need a crystal ball to see that, in Washington, the Tofflers are futurists with a future."
—USA Today

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To the editors:

Is Germaine Greer serious? Does she really believe that "we recall Anwar Sadat with vividness because we were familiar with the image of his beautiful wife"? I remember Sadat with vividness because of his heroic act of seeking and obtaining peace with his bitter enemy, Israel, an act for which he paid with his life. I'm sorry, I don't recall Mrs. Sadat.

DAVID LAMPE
Savoy, Illinois

Cognitive dissonance

To the editors:

Andy Lamey's piece on the cognitive dissonance of some newspapers in editorializing against affirmative action while promoting such programs in their own hiring ("Do As I Say," June 26) was a welcome, not to say eye-opening, contribution. I regret I was not on hand when he talked with my publisher and the newsroom's editor. Lamey tried to reach me when I was out of the office; when I called him, it was past his deadline.

Well-taken points, overall. Still, he seems to make a couple of leaps. It really is possible to speak of "diversity" (a frighteningly elastic but useful word) and not mean what "affirmative action" has come to mean (quotas, reverse discrimination). More importantly, and this distinction is more likely to get lost at THE NEW REPUBLIC than at *The Orange County Register*, government-mandated diversity bespeaks a coercive and unjust society; private efforts—provided they do not discriminate against the better qualified, cruelly bring some people up before they're ready or swallow the expensive blandishments of the diversity industry—can suggest a trend that truly is affirmative.

Lamey quotes our editorial: "Discrimination of any kind, including the reverse discrimination called affirmative action, should be stopped." Guilty, alas, of unambiguity! Without rummaging through the archives, I'm quite sure our editorial was addressing the former kind. I know we said "any kind," perhaps thinking of that which is unlawful and trying to hold the state to the same standard.

K.E. GRUBBS JR.
Editorial and commentary director
The Orange County Register
Santa Ana, California

To the editors:

It was good to read that acting Human Resources Director John Martin of *The Washington Times* endorses in-house hiring practices undertaken with "the express hope of finding qualified minorities." Would that *The Times* were so even-handed *after* it hires its employees.

I had the pleasure of spending most of

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the month of February this year in John Martin's company. We were in the Federal Courthouse in Washington, D.C., where a federal jury heard allegations from my client and others that *The Times* harassed and discriminated against its female employees. The result of that trial—during which Martin testified as to *The Times*'s nondiscriminatory employment policies—was a jury verdict of about $800,000 against *The Times* for gender discrimination.

Maybe that $742,000 punitive award is what now leads *The Times* to take a "more relaxed view" of minority hiring closer to home. Maybe punitive damages awards do deter socially improper conduct, after all. Proponents of "tort reform," please take note.

JOHN M. BREDEHOFT
Reston, Virginia

From the files

To the editors:

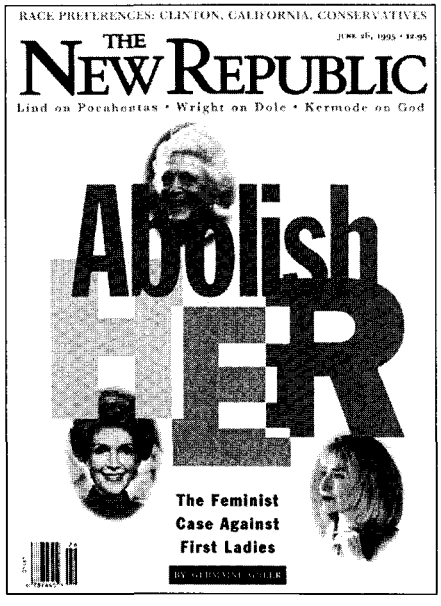
In Martin Peretz's Cambridge Diarist ("Gift to the World," June 5), I was astonished to read, in an item praising the Anti-Defamation League, that "A while back ... the ADL was calumnied, and sued in San Francisco, for doing ... research on ... movements of the racist left. It ultimately won its case in court."

I cannot believe that Peretz would have written anything like this had he known the details of the scandal that engulfed the ADL in California, when it was caught gathering information on thousands of individuals and organizations whose only crime, in many cases, was to be liberal, or environmentalist, or opposed to apartheid in South Africa. The ADL did *not* win the criminal case brought against it. Despite admitting no wrongdoing (whoever does?), it paid a $75,000 settlement. It also agreed to a permanent injunction barring it from obtaining confidential information illicitly shared by public employees.

Few of those the ADL snooped on can, by any stretch of the imagination, be called part of the "racist left." The American Friends Service Committee? The San Francisco Labor Council? The NAACP? Various Bay Area anti-apartheid groups? Yigal Arens, the son of Moshe Arens? Myself? Judging from the documents seized from the ADL office by the San Francisco district attorney, what put me in this subversive company was my being a writer and former editor of *Mother Jones*.

I'm sure plenty of ADL staffers and supporters do not share the paranoid politics of those involved in this episode. No doubt some of the work the ADL does is still in the distinguished tradition of its founders. But the ADL has had some grave lapses from that tradition in recent years. A key operative sold information to the former South African government; the ADL has made some disgracefully small-minded attacks on groups it perceives as rivals, such as the Simon Wiesenthal Center and the Center for Democratic Renewal; it has been oddly cozy with some elements of the Christian far right; it filled its files with data from a former San Francisco police officer who fled the country when the California scandal broke, then returned and pled *nolo contendere* to charges of unauthorized spying. Interested TNR readers can find some of this unfortunate history examined more thoroughly in a long article by Jim McGee in *The Washington Post* of October 19, 1993.

ADAM HOCHSCHILD
San Francisco



Martin Peretz responds:

The set of accusations made in San Francisco against the Anti-Defamation League was, like most ideological happenings in California, a complicated phenomenon. And this *was* an ideological happening, a settling of scores initiated by the anti-Jewish and anti-Zionist left. Still, there were many more charges lodged against the organization in the press, which took the usual liberties with the truth, than were actually pursued by the district attorney. In any case, there were no criminal charges brought against the ADL, none, ever. The ADL consented to an injunction against gathering information in violation of the law for only two reasons. The first and perhaps most important was that (a) it had retained an outside contractor who, it turned out, had questionable associations and (b) it had been given information by a police officer who may have broken the law. This proves nothing about ADL wrongdoing. In fact, it doesn't even suggest wrongdoing. The agreement was, then, an act of goodwill, like the fund of $75,000 to teach school children about prejudice, the kind of project the ADL supports in many locales. The San Francisco district attorney is obliged to act in an overwrought political context. So he needed these agreements as tokens to end the relentless pressure on his office to continue a vendetta he knew could go nowhere in the courts. But when the ADL agreed to the injunction, it agreed not to commit offenses which, in fact, it had never committed. And here is the crux of the matter: the ADL is primarily a research organization. For years it maintained files on the now-infamous militias when everyone else was ignoring them or thinking of them at worst as harmless cranks. The ADL maintains files on many organizations because it monitors developments in many areas of our public life. To maintain a file on an organization or a person doesn't imply that the file targets an enemy. The ADL does have a file on the NAACP which, I've determined, is mostly a correspondence file about efforts they've undertaken jointly. But, given the NAACP's dalliance with Louis Farrakhan, I'd hope it contains other material, as well. I don't know what's in the file on the American Friends Service Committee, but I hope it details this pacifist group's enchantment with Palestinian terrorists. When my friend Adam Hochschild writes that the ADL maintains files on this and that, he is trying to suggest that the ADL does something illegal. Every researcher and every research organization keeps files and adds to them. I don't know what the ADL file has in it about Hochschild. But, as the former editor of *Mother Jones*, Hochschild wrote and published on issues that concern the ADL. The ADL, I'm reasonably sure, maintains a file on me. I, too, have written on these issues. It would be an insult to Hochschild and to me if it didn't maintain such files. The nutsy organization Fairness and Accuracy in Reporting seems also to have me and TNR in its data base. There's nothing wrong with that. Maintaining research files is one of the rights guaranteed to everyone in a free society, and the gang-up on the ADL was an effort to intimidate it into not exercising that right. The paradox about all this is that, while Hochschild charges the ADL with being "oddly cozy with some elements of the Christian far right," the ADL's publications on this cohort in the national culture and particularly its book *The Religious Right*, all based on research files the organization kept and continually enhanced, have made these folk and their allies nothing less than apoplectic. The ADL is one of American democracy's most valuable defense organizations: it stockpiles not guns but facts.

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FROM WASHINGTON

The trouble with Harry

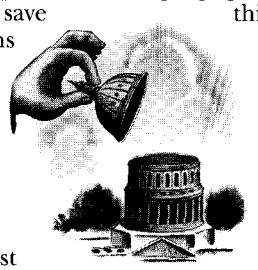
Remember those two Americans who wandered haplessly across the Iraqi border a few months ago and now sit in an Iraqi prison? What were their names again? You needn't worry about the name "Harry Wu" fading from the nation's consciousness quite so fast. There are several reasons for this, and some are valid. Before his fateful attempt to re-enter China, Wu had worked fearlessly to expose the gruesome interior of Chinese prisons. Most famously, he had gathered evidence that Chinese officials sell the organs of executed prisoners, sometimes even rescheduling executions to meet peak demand. Such feats give Wu a legitimate claim to our lasting attention.

More dubious is the way news about Wu and his findings has been further amplified, and sometimes warped, by aging cold warriors like Jesse Helms, whose worldview lost its simple clarity back when the Berlin Wall fell. For them Wu is not merely someone who has shed valuable light on important problems; he is a gift from God—someone who has brought Satan back into their lives. It was Helms who convened the recent hearings in which Wu rehashed earlier revelations about organ-selling (and Helms who used the occasion to trot out anecdotage of unclear relevance about Chinese fetus eaters). And it is Helms, among others, who will now want to make the immediate release of Wu paramount, even if that risks sending China back into a cold-war shell. China is, after all, a nation that sells the organs of its prisoners.

Clearly, the Chinese penal system is abhorrent. But that's true of many nations we've stayed on speaking terms with. (I don't recall Helms investigating the Shah's prisons.) If Helms is going to use things like organ-selling to label China uniquely evil, can we at least get clear on his logic? What exactly is it about this organ-selling business that's bad?

Presumably it's not the mere idea of using a guilty person's death to save an innocent person's life. If after Ted Bundy's execution you could have given his liver to some child who would otherwise die, would you have done so? Maybe you consider the question debatable, but surely you don't consider people who take the utilitarian side of the argument totalitarian monsters. Of course, China doesn't execute only Ted Bundys. China has political prisoners and has been known to kill them. Obviously, that's bad. But what's *obviously* bad about it is imprisoning or killing people because of their beliefs, not using any resulting corpses to save lives. So too with the issue, emphasized in the Helms hearings, of large-scale livestock theft being a capital crime in China: the problem is that theft entails death, not that death entails surgery.

Is it the *selling* of organs—"to wealthy Asians"—that's so creepy? Surely Americans are in no position to complain about using the profit motive to save lives (even if prison wardens aren't the ones who in our system make the profit). And surely we can't complain about the inegalitarian effect of market-allocated medical resources; here, as in China, the rich and powerful get the best health care, including lifesaving breaks. Mickey Mantle is a long-time alcohol abuser—a fact that, according to the guidelines which supposedly govern organ donations in America, should have complicated his recent quest for a liver. But Mantle got a new liver faster than you can say "going, going, *gone*!" Meanwhile, somewhere in America, some penniless uninsured sap walked into an emergency room with alcohol on his breath, complaining of pain around his liver. What do you suppose became of him?



As for execution dates being moved up to accommodate the needs of organ recipients: If accelerating Ted Bundy's death by a week would save the life of your son or daughter or sibling, would the idea acquire some moral plausibility? Again: you may answer no, but can you really call people who answer yes Stalinist goons, or even un-American? In any event, the Jesse Helmses of the world are all for accelerating executions—not to save anyone's life, just on principle.

Human rights advocates make a big issue of "prisoner consent" to donate organs. They seem to think that removing someone's kidneys without permission is a violation of bodily dignity in a way that already having killed them without permission wasn't. Well, maybe. But surely this is a culture-bound belief, not some obvious universal truth. If we're going to claim to have found a bright moral line between (*a*) killing people and (*b*) also taking their kidneys, we should pay more attention to nations without capital punishment that claim to see a bright line between (*a*) killing people and (*b*) not killing them. Their line looks brighter than ours. (For the record: China claims to forbid organ transplants without the consent of prisoners or their relatives.)

There are some nagging questions that bother even a bloodless utilitarian like me. The main one is whether the profit motive (further) corrupts the judicial system, inflating the number of death sentences handed down. Wu has no evidence to this effect, and the best guess is that organ-selling results from freelancing prison officials, not a nationally coordinated plan. Still, this is a crucial question, and if Helms had used his hearings to ask it, he would have done a public service. But his sole aim is mind-numbing propaganda, and it seems to work. Just this week, NPR's "Morning Edition" reported that Wu has gathered "evidence that Chinese prisoners were being executed to provide donor organs for wealthy Asians." This is, indeed, the way Helms tells the story. But surely a journalist should add that, so far as Wu knows, all prisoners "executed to provide donor organs" were going to be executed anyway.

I doubt this column will wholly alter anyone's opinion about selling Chinese prisoners' organs. But you may now agree that we don't have enough data to deem the practice immoral in some universal, self-evident sense. Or, at least, you may now consider the issue more complicated than before. If so, that's progress. Jesse Helms would like to keep things simple: China is evil, beyond the pale. Well, what China is is pretty awful—better, on balance, than five years ago, but much worse than we'd like it to be. The overriding question should be: How can we benignly influence the arduous process of getting it from here to there?

As Helms and Harry Wu's other powerful friends try to blur this issue by emotionalizing his case, let's keep one thing clear: Wu didn't, like the two guys in Iraq, stumble innocently into the clutches of evil. When he returned to China, it was clear—to him and to colleagues who warned him—that he ran the risk of arrest. Of course we should still work steadfastly to get him out of prison. But we shouldn't, as the cold warriors want, subordinate a good part of our foreign policy to that goal. You don't have to be a utilitarian to think that the future of the world outweighs the future of Harry Wu. Indeed, judging by the way Wu has chosen to live his life, it's far from clear that he'd disagree.

ROBERT WRIGHT

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THE NEW REPUBLIC

JULY 31, 1995

"IT HAS NOT BEEN A GOOD DAY"

July 11 was a day of history for America. About that, in Washington, there is no disagreement. The history, however, is rather more entangled and embittering than is commonly acknowledged. On the day that the United States recognized Hanoi, Srebrenica fell. The coincidence is beyond irony. For the war in Bosnia proves that the war in Vietnam is not over. It lives, in the premise of the American refusal, pioneered by the Bush administration and perfected by the Clinton administration, to put a halt to the genocide that is taking place in our (the Western, the American, the European) midst.

The reconciliation with Vietnam, overshadowed by a hamlet in Bosnia? It is not as preposterous as it sounds. The war in Vietnam may have been the primal political scene of the generation that produced a president in Bill Clinton, but time does not stop, not even for the 1960s, and foreign policy must be made in the present; and in the present it is southeast Europe, not southeast Asia, where the powerlessness of the United States, morally and strategically, is regularly demonstrated. (The recognition of Vietnam does constitute a strategic challenge to China, except that the Clinton administration never describes China as a power that must be strategically challenged.) And the recognition of Vietnam reminds us again that in the Clinton era, in the era of economicism, there is only one sure way of holding the attention of the only great power on earth: money. If only Bosnia had cheap labor, instead of cheap life.

The fall of Srebrenica happened the usual way. The Serbs laid low for a while; then they attacked a United Nations position; then the United Nations dithered; then, when it was too late, the United Nations ordered a NATO air-strike (or, as the Bosnian prime minister more precisely described it, a "so-called air-strike"); then NATO unleashed its fearsome might and destroyed two Serbian tanks; then the U.N. position collapsed; then a Serbian flag was raised over dead Muslims and fleeing Muslims; then nothing was done.

And there was the usual rhetoric. On the day before the conquest of Srebrenica, the U.N. spokesman in Bosnia, the deliciously named Lieutenant Colonel Coward, told reporters: "It's still a fine judgment as to whether or not the Bosnian Serbs' intent is to continue." On the day after the conquest of Srebrenica, Boutros Boutros-Ghali told reporters: "What is important is that we are condemning the offensive of the Bosnian Serbs against the safe area of Srebrenica and the resolutions of the United Nations." In Washington, Michael McCurry, the White House press secretary, told reporters that "the U.N. mission, fragile though it is, ... helps keep the citizens of Bosnia alive," though he conceded that "with respect to the protection of this particular eastern enclave, it has not been a good day." And Secretary of Defense William Perry observed that "this raises the question as to whether the U.N. force will be able to stay in Bosnia to perform the humanitarian mission."

Does the word *duh* mean anything to Perry? The question of the U.N. mission in Bosnia was answered a long time ago, except for American and European officials who need the U.N. to rescue them from their duty to rescue. The hapless U.N. troops should quit Bosnia, where they are complicit in a war of aggression. And the United States should lift the arms embargo against the Bosnians—*the arms embargo against the Bosnians*: who cannot see the grotesqueness of those words?—and arm the Bosnians directly or indirectly, so that they can fight for their lives. "I do not see what [aside from force] will stop the Serbs in the other enclaves or in Sarajevo," Jacques Chirac remarked last week. They were the only decent words to be heard.

But none of this will happen in this lifetime, or at least in the lifetime of the Clinton administration in Washington and the Boutros administration in New York. Instead we will hear about consultations in capitals, and rapid reaction forces, and openings in Belgrade. The excruciation of Sarajevo will continue. Zepa will fall, and then Gorazde, and the Serb conquest of eastern Bosnia will be complete. And words of outrage will tire, as often they do, when the evil are more diligent than the good. Good morning, Vietnam. Good night, Bosnia. •

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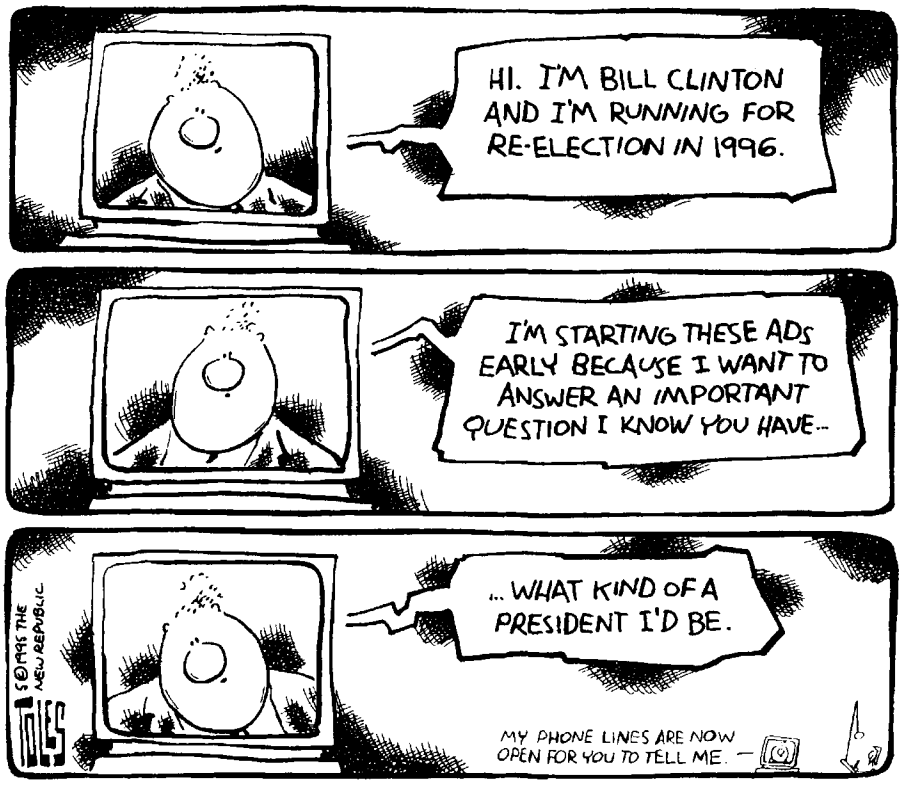
NOTEBOOK

SIC TRANSIT: The National Republican Congressional Committee issued a "Wanted Poster" that featured the most reviled House Democrats, twenty-two out of twenty-eight of whom were women, blacks, Jews or Latinos.... Doctors at UC-Irvine fertility clinics said they believe at least seven families are raising the wrong children as a result of accidental egg-swapping that occurred between 1988 and 1992.... Raymond Flynn Jr., the son of the U.S. ambassador to the Vatican, was arraigned on charges of drunken assault against his three sisters.... David Knapp, the former mayor of Rajneeshpuram, Oregon, confessed to doctoring both county courthouse doorknobs and lettuce at a local restaurant in an attempt to sicken citizens and prevent them from voting on Election Day.... A San Francisco radio station offered a case of Snapple to the family of the one-thousandth person to commit suicide by jumping off the Golden Gate Bridge.


HI. I'M BILL CLINTON AND I'M RUNNING FOR RE-ELECTION IN 1996.
I'M STARTING THESE ADS EARLY BECAUSE I WANT TO ANSWER AN IMPORTANT QUESTION I KNOW YOU HAVE--
...WHAT KIND OF A PRESIDENT I'D BE.
MY PHONE LINES ARE NOW OPEN FOR YOU TO TELL ME. —
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TOLES

CLINTONISM OF THE WEEK: "The best example of all to me that our problems are both personal and cultural and economic and political and social is the whole condition of the middle-class economically."—President Bill Clinton at Georgetown University, July 6.

THE BORKING OF BURKE: Those who fear an elite liberal media conspiracy should consider the eerily unified conservative onslaught against Sheila Burke, Bob Dole's eminently capable chief of staff. Right-wingers have always begrudged Burke her power (as Dole's top aide since 1986, she may be the most important staffer on Capitol Hill) and her penchant for moderation. Any journalist who has reported on the majority leader is familiar with social conservatives' incessant whining about the exploits of "Evil Sheila." But, with Dole emerging as the Republican front-runner, conservatives have turned their whining into a crusade. On June 27, columnist Robert Novak fired the first shot, facetiously calling Burke the "queen of the Senate" and calling for her immediate "neutralization." On July 7, *Wall Street Journal* editorial writer John Fund also devoted an entire column to Burke's "absolutely astonishing" influence over Dole. On July 11, conservative activist Paul Weyrich, in *The Washington Times*, seconded this view: "To get Bob Dole to do the right thing, we have to climb over the body of Sheila Burke.... Ms. Burke is influential with [Dole] because she is a feminist who has mastered the art of manipulating the Senate majority leader. Men of his generation don't know how to handle aggressive women of a younger generation." Never mind the misogyny of much of the anti-Sheila crusade. As Burke herself told us, "The suggestion that anyone could lead Dole blindly into a corner is patently false. This is clearly an orchestrated, concerted effort, the stated goal of which is to get Dole to dump me." In her eighteen years on his staff, Burke has amply proved her competency, political astuteness and fierce loyalty to Dole. We hope the witch-hunt fails.

COLIN POWELL SUCK-UP WATCH: "Everywhere he goes, Colin Powell is besieged. Bicycle messengers in Spandex tights stop him on the streets of Washington and urge him to run for president. Waiters at restaurants advise the retired general to aim for the White House. CEOs quietly pledge money should Powell decide to run. Political operatives of both parties would like to ignore Powell—but can't.... Everywhere he goes, Colin Powell is applauded."—*Time* magazine, July 10 cover story.

HELMS'S PARADOX: The response to Jesse Helms's recent remarks about the allegedly disgusting, revolting and unnatural way in which many people become infected with HIV proves one thing. Helms, however evil, is fast becoming decency's best friend. The purity of his prejudice performs a service in a democratic culture: it

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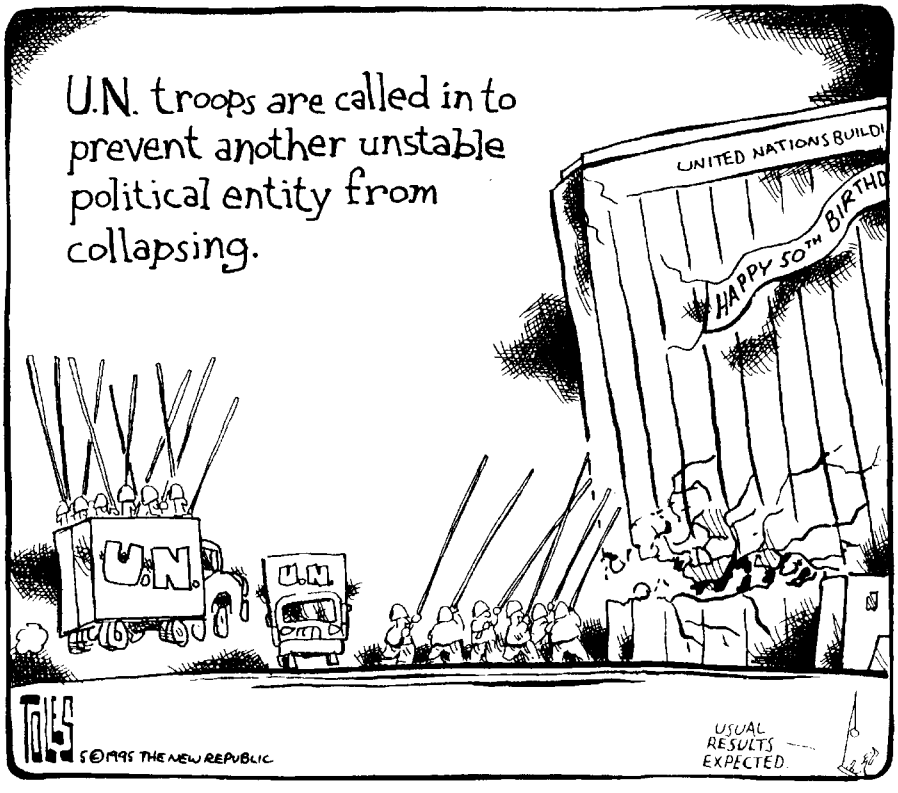
says what others merely think, it exposes a rationale which might otherwise not be exposed, it galvanizes those who might otherwise feel complacency about the real existence of cruelty and hate. As a result of his remarks, there was a brief resurgence of support for money to care for those with AIDS who cannot care for themselves. We hope the resurgence continues. Meanwhile, Helms shows that liberalism's greatest strength is not that it censors speech, but that it encourages it, even in its most disgusting, revolting and unnatural forms.

BENNETT AND ROBERTSON: In a recent interview in the *The New Yorker*, Bill Bennett repeated his accusation of several years ago that Republican presidential candidate Patrick J. Buchanan is "flirting with fascism." Bennett should know. For years, he has flirted with the most influential purveyor of crypto-fascist ideology in modern American politics: Christian Coalition leader Pat Robertson. We share Bennett's concern about Buchanan's combination of nativist and anti-Semitic rhetoric. We wonder, however, why Bennett—a prominent defender of Robertson, a speaker at his 1994 Christian Coalition Conference and a self-described "ally of the conservative Christian political movement for the last decade"—has not seen fit to raise similar objections to Robertson himself. His theories, after all, concern themselves with Jewish bankers enriching themselves by stirring up wars among gentiles; he has characterized *The Economist* as a "Rothschild publication"; he has recycled the libels of anti-Semitic writers like Eustace Millins and Nesta Webster. For Bennett, it seems, opposing immigration is prima facie evidence of "fascism," but blaming the world wars on international Jewry is not. If Buchanan wants to get back into Bennett's good graces, perhaps he should follow the example of Bennett's ally Robertson and concentrate his fire on Rothschilds, Warburgs and Schiffs.



HOW WONDERFUL: *The Wall Street Journal* has taken pity on Bill Galston. Last month, when the White House domestic policy adviser announced his resignation, he cited the difficulty of balancing the demands of twelve-hour days and a 10-year-old child. In sympathetic tones, the *Journal* detailed Galston's tribulations and concluded hopefully that "we may see more decisions like his." Excuse us? Women have faced work-family dilemmas like Galston's for thirty years, if not longer, but whenever women made noise, it was deemed an issue for them—not their husbands or their employers—to contend with. Now that growing numbers of men are suddenly finding that they, too, want to be actively involved in their children's lives, the *Journal*—like many other publications—is taking notice. In recent weeks both the piece on Galston and an article on "devoted dads" have been granted prominent place in the paper. We, too, have sympathy for working dads and think that corporate America needs to make more concessions to both men and women with children. But it's a pity it takes kvetching from men to bring this to public attention.

OOPS: In Ruth Shalit's article on Steve Forbes ("Hey, Jude," TNR, July 3), several phrases were inadvertently reproduced from an article by Paul Starobin in the *National Journal*, June 3. Starobin called Forbes "an affable optimist in the mold of Kemp and Reagan"; Shalit called him "an affable capitalist optimist in the mold of Kemp or Reagan." Starobin wrote that "some conservative acquaintances regard a Forbes candidacy as hopeless"; Shalit wrote that "many of his conservative acquaintances privately regard his candidacy as hopeless." Starobin said "there was no detectable groundswell for a Princeton-educated media mogul whom Democrats would attack for being born with a silver spoon in his mouth"; Shalit wrote, "and there's no detectable groundswell for a Princeton-educated plutocrat." These phrases, which were the full extent of any similarities between the two pieces, were transposed on the computer from a downloaded Nexis search, which the author subsequently mistook for her own notes. Shalit regrets the error and we apologize to Mr. Starobin and the *National Journal*. •

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The unassailable liberty of cyberspace.

NET GAIN

By Gary Chapman

Senator James Exon of Nebraska is a grandfatherly, slow-talking, mush-mouthed poster-boy for the unwired. He admits that he had never used the Internet before somebody alerted him to the presence there of hard-core pornography. But, on June 14, the Senate passed, 84-16, Exon's amendment to the omnibus telecommunications reform bill, a legislative bomb called the Communications Decency Act of 1995. The amendment, co-sponsored by Senator Dan Coats of Indiana, outlaws "obscene, lewd, lascivious, filthy or indecent" communication on the Internet.

The response on the net itself has been explosive. Critics charge the bill is a ham-handed attempt at government regulation of a communications medium that is exemplary precisely because of its lack of regulation. Newt Gingrich has argued that it is "clearly a violation of free speech, and it's a violation of the right of adults to communicate with each other." On these grounds the bill is, indeed, troubling. But the more pressing issue is that the Internet, for technical reasons perhaps beyond the ken of Senator Exon, is largely immune not just to this but to *any* form of government regulation that net users oppose. There are already myriad ways that controversial regulations can be circumvented or foiled. In that sense the net may well be the first empirically lawless domain of modern life.

For perhaps the first time in its history, the United States is now blanketed by a supranational entity, in which government may have little influence. It is this characteristic of cyberspace that some of its most ardent enthusiasts claim is its most portentous innovation. And, indeed, there are a number of technical features of the Internet that make this idea plausible. For example:

The Global Web. The way the Internet works makes computers halfway around the world as proximate and as useful as machines in the next room—in fact, in some cases, preferable: several Central European countries have routed nearly all their national data traffic through U.S. networks because of the capacity and speed of the U.S. connections; the Peruvian government is currently carrying on a computer war with the Shining Path guerrillas, with both sides trying to wipe out data on their respective computers in Peru, while using an Internet server in Brooklyn. UseNet news groups, where one finds most of the pornography available on the Internet, are international. Moreover, because a foreign user can send data through a U.S. computer, and U.S. users can use foreign Internet sites, it can be difficult to trace where a message originated.

Anonymity. It's easy to conceal one's identity on the Internet and hard to find the "real" person behind an electronic disguise. An occasional contributor of pornographic pictures to a UseNet news group identifies himself as "George W. Bush," the name of the governor of Texas. No one suspects the governor of being a pornographer; but no one can determine the true identity of the person using his name by reading this guy's messages, either. In theory, you could deal with this problem by passing laws to the effect that whoever actually provides Internet access is legally responsible for the messages that originate there, but to do so would risk infuriating every single access provider and incurring lawsuits. (The original version of the Exon bill included such a provision, but the reaction from corporations, universities and private network service providers was so hostile that Exon dropped that strategy and targeted the senders instead.)

This matter is further complicated by the existence of what are called anonymous mailers. Already a feature of the Internet, anonymous mailers are machines that one can send a message to and which will then automatically forward the message minus any clues to its original source. There is an active anonymous mailer in Finland now, for example, broadcasting messages and images around the world with no identification of their authors. FBI Director Louis Freeh wants to ban anonymous mailers, but if they're banned in the U.S., they will undoubtedly proliferate overseas.

Overwhelming data volume. Internet traffic has been growing by between 15 and 20 percent a month—an unprecedented rate of expansion, for anything—and institutions are strained trying to keep up with demand. Terabytes, or trillions of bytes, are circulating on the net at any given time. Trying to locate illegal or offensive data on the net would be harder than trying to isolate two paired words in all the world's telephone conversations and TV transmissions at once. And this difficulty grows worse every hour.

Encryption. There is currently a struggle going on between, on the one side, government officials who want to control standards for encryption (programs used to put data into code) so that law enforcement and national security agencies can decrypt data transmissions at will and, on the other, privacy advocates who want to use private, unbreakable codes. Already encryption algorithms are available for Internet communication that allow messages to be coded at their source and then decoded only at their intended destination. Between coding and decoding, data can appear as gibberish to anyone without the correct decoding scheme. The data can even appear as something innocuous, like a popular song or a children's story, and yet conceal something illegal.

All of these features of the Internet make censorship technically impossible, and the Exon bill will be unenforceable in any reasonable sense. They also make *any* government regulation of the net problematic if not ultimately futile.

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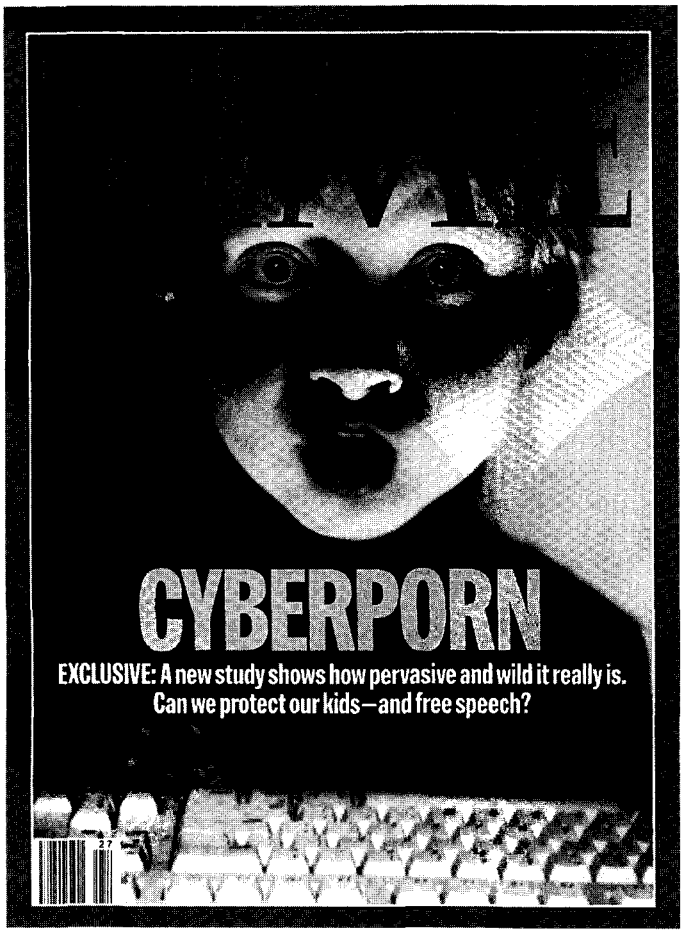
Not so naughty

Time magazine's cover story on "cyberporn," in its July 3 issue, has created a firefight on the Internet that is likely to go down in cyberspace history. The alarming article, accompanied by an eye-opening graphic of a man apparently having carnal knowledge of a computer, was based on a study of the prevalence of pornography on the Internet, a report that contains statistics sure to rattle the "family values" crowd.



Time's computer reporter, Philip Elmer-Dewitt, who wrote the lurid article, reported the findings of an eighteen-month study called "Marketing Pornography on the Information Superhighway," which is scheduled to be published in *The Georgetown Law Journal*. Elmer-Dewitt, who was given exclusive access to an advance copy of the report, wrote that a "research team at Carnegie Mellon University in Pittsburgh" had surveyed 917,410 "sexually explicit pictures, descriptions, short stories and film clips. On those UseNet news groups where digitized images were stored, 83.5 percent of the pictures were pornographic." The report also claims that the most popular images are of hard-core porn such as pedophilia, bondage, sadomasochism and bestiality. The study as reported in *Time* has proved influential: during his June 26 floor speech railing against cyberporn, Senator Charles Grassley held the magazine aloft. *Time* offered the report, in an exclusive deal, to "Nightline," where Christian Coalition Director Ralph Reed hastened to back up its findings.

As it turns out, however, there are plenty of problems with the study, beginning with the fact that the Carnegie Mellon "research team" consists primarily of one individual, Martin Rimm, an undergraduate in electrical engineering with no academic credentials. Rimm's report has been savaged on the Internet by experts on network content. As one Internet expert, Professor Donna Hoffman of Vanderbilt University, put it, "the Rimm study contains serious conceptual, logical and methodological flaws and errors."

The chief flaw of the Rimm study, which was not peer-reviewed, is that the nearly million files of porn Rimm claimed to have examined were not from the Internet but from private, adult-oriented bulletin boards, which have to be accessed via a modem in a deliberate two-way connection. Rimm found only 2,830 possibly pornographic images on UseNet news groups during a four-month period, and out of nearly 12,000 World Wide Web sites he surveyed, only nine contained what were in Rimm's opinion R-rated or X-rated images. Also, the claim that 83.5 percent of images posted to UseNet are pornographic is misleading, because Rimm found that percentage of porn images only on UseNet news groups that advertise themselves as "erotic" or sex-related. As one commentator noted, this is akin to surveying an adult bookstore and concluding that more than 80 percent of all magazines contain obscene pictures.

Time acknowledged that "only about 3 percent of all the messages on the UseNet news groups [represent pornographic images], while the UseNet itself represents 11.5 percent of the traffic on the Internet." Hoffman and her colleague Thomas Novak, in a 9,000-word critique of the Rimm study, point out that this means that "less than half of 1 percent (3 percent of 11 percent) of the messages on the Internet are associated with news groups that contain pornographic imagery."

Yet Elmer-Dewitt compounded the shortcomings of the Rimm study by relying on it so heavily to underscore the claim that on-line porn is "pervasive and wild" and by inflating its significance. He called the report a "gold mine for psychologists, social scientists, computer marketers and anybody with an interest in human sexual behavior." After publication he revealed, in an interview with *Wired* magazine, that the editors of *Time* knew there were serious doubts about the study but decided to run the story anyway.

Rimm, meanwhile, is unrepentant and making things worse. In a discussion with Hoffman on a public radio talk show, he challenged her credentials, then called her a "tool of the Left." However, Rimm says he does not endorse the Exon bill that will ban cyberporn.

The Rimm study is unlikely to go away—it's too useful to people like Ralph Reed. But the upshot is we still don't know how common pornography is on the Internet, especially in comparison to the full volume of Internet traffic. And we still don't know how many Internet users look at porn or who those users are.

GARY CHAPMAN

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The technical characteristics of the Internet are combining with net users' rising disdain for government to produce an incrementally refined resistance to regulation. Government intervention is, thus, opposed by Internet activists not because of its specific intent but because regulation represents a penetration of alien and unwelcome ideas into perhaps the only domain where rules and behavior are largely disconnected from government coercion. In cyberspace, one allegedly leaves behind politicians, bureaucrats, police, armies and not only crime but the very concept of crime. Consider, for example, this recent message from a group calling itself DigitaLiberty, a "group" that exists only in cyberspace:

> DigitaLiberty is not hopeful that widespread freedom will come to the physical world, at least not in our lifetime. Too many constituencies depend upon the largess and redistributive power of national governments and therefore oppose freedom and the individual responsibility it entails. But we do believe that liberty can and will prevail in the virtual domains we are building on the net and that national governments will be powerless to stop us. We believe that cyberspace will transcend national borders, national cultures and national economies. We believe that no one will hold sovereignty over this new realm because coercive force is impotent in cyberspace.

Much of this kind of rhetoric can be dismissed as naïve and deluded, of course. Millions of network users are legitimately worried about their kids having access to pictures of bestiality and worse, and most don't tend to ponder the utopian potential of cyberspace. It's also the case that most Internet users access the net from deep within bureaucratic institutions, and it is typically these bureaucracies that profit and are strengthened most by computer networks, despite what the visionaries claim.

But it is also true that the so-called "digerati," as some mavens of digital culture have taken to calling themselves, are now the intellectual vanguard for an internationalist, libertarian worldview of global, amoral, stateless capitalism, and this is increasingly in conflict with the nativist, patriotic "family values" apparently ascendant in the American middle class. Eighty-six senators voted for the Exon bill, and it was an easy call for most of them. Americans are still ambivalent about cyberspace, but they know how they feel about pornography.

As the Internet and multinational corporations drift away from their national moorings, politics and morality seem to be burrowing deeper into the secure comforts of national culture. This is typically expressed in terms of national sovereignty, which is why cultural traditionalists, like Patrick Buchanan, are often zealous nationalists. But the global character of the Internet, and the culture it is engendering, challenges and weakens such parochialism, even as the Internet penetrates our homes and the computers on our office desks. And this is something that few of our politicians, including those eager to regulate cyberspace, have really begun to grasp.

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Pro-lifers, pregnant women and AZT.

WE DON'T DO AIDS

By Jennifer Bradley

Since February 1994, doctors, AIDS activists and anybody who reads the papers have known that treatment is available that dramatically reduces the chances a baby born to an HIV-positive woman will also have HIV. If a woman receives AZT during the last six months of pregnancy and during delivery, and if her child receives AZT in the first weeks of life, the chances that the mother will pass her infection on to her child plummet from 25 to 8 percent. In other words, AZT could save thousands of what the pro-life movement calls pre-born or unborn children. You'd think that major pro-life groups would be thrilled with this news, and relentless in their promotion of treatment for HIV-positive pregnant women. At the very least, one of them might have put out a press release. But not one of the big pro-life players has acted on this year-old study.

Why not? Americans United for Life (AUL), like the National Right to Life Committee, the National Conference of Catholic Bishops and the American Life League, has nothing to say about AZT. The chairman of AUL does say she's "done some reading" about the related, thornier issue of HIV testing for pregnant women. She wonders if routine HIV testing would "increase pressure on women to abort," because of worries about insurance coverage or concerns about how to care for an HIV-positive child. "I understand people who want the testing for the purposes of getting AZT to the child. But it might be an unintended consequence [that there is] an increased pressure to abort."

It's a bizarre priority, this concern with potential abortions rather than with actual child mortality. And, in any case, AUL's chairman is almost certainly wrong. Many people who work with HIV-positive pregnant mothers say that efforts to detect and save HIV-positive fetuses and babies do not necessarily drive women to end their pregnancies. In fact, Richard Cizik, a policy analyst at the National Association of Evangelicals, says his experience has been just the opposite: "[The mother] hangs on to the life because that is her link with the future. It's her legacy." Shepherd Smith of Americans for a Sound AIDS/HIV Policy (ASAP) agrees. "Guess how many women we have worked with have aborted," he asks. "Zero. It's fascinating. I would have never thought that. They understand they don't have much time left; they want to have the child." Is Smith just seeing an especially conservative clientele? "We help all AIDS groups, including an ACT-UP chapter in New York. Of the clients that we serve, I

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don't think they have a clue as to what our politics are."

Efforts to convince pro-life crisis pregnancy centers that they should protect an unborn child by offering HIV tests have, however, failed miserably. And pro-life representatives seem to be way behind the curve on the matter. The National Right to Life Committee says it's "looking into the issue." When pressed on what "looking into" might mean—scientific studies, ethical reflection?—a spokeswoman says, "That's the amount of information we can give out.... At this time we're not going to be able to provide more detail to you." Helen Alvare, speaking for the National Conference of Catholic Bishops, sighs, "We simply don't have positions on every issue that exists. Taking multivitamins, drinking orange juice—there are so many life-and-death-affecting issues.... We couldn't take a moral position on every issue that exists." Lifesaving AZT is on a moral par with multi-vitamins? The American Life League promises to have a position in "about a year." Their medical consultant, a retired ob/gyn, needs more time to review the literature. What he'll find is that the U.S. Public Health Service has already recommended the treatment for all HIV-positive pregnant women (even though the efficacy has only been proven for HIV-positive women with high T-cell counts), as have major medical organizations such as the American College of Obstetrics and Gynecologists. The league's president says, though, that the organization would never lobby for mandatory AZT for pregnant HIV-positive women: "I don't believe the government has a right to be mandating anything."

Shepherd Smith of ASAP carefully emphasizes that the pro-life movement is not unique in avoiding the tangle of AIDS-related policies and issues: "I would not characterize the pro-life community as any different in respect to not wanting to deal with this than anybody else I have met." But shouldn't the pro-life movement be a *little* different when it comes to pregnant women and infants? Pro-life partisans bristle when their opponents accuse them of caring only about unborn children, and not actual ones. When it comes to children who might be unnecessarily infected with HIV, the criticism is chillingly accurate.

The tiny and plucky Pro-Life Alliance of Gays and Lesbians (membership just under 400) held a forum last December in which they discussed prenatal HIV infection. Their press release about the event ends with this curious sentence: "If we can point out that one of the benefits of abortion—avoiding HIV-infected children—is illusory, then we have accomplished our goal in hosting this forum." Hardly a rallying cry. Of course, the mainstream pro-life movement is hardly more likely to listen to this group than to its evangelical allies like Richard Cizik. Their obstinate refusal to address this issue makes one wonder if their pro-life principles stop at encompassing those women of childbearing age most likely to be HIV-positive: those who are black, Hispanic or poor. At least, though, one group is telling the wider pro-life community that they've made a mistake. One that means, as Cizik says, "We are consigning infants to unnecessary and premature death." That might be something a "pro-life" movement should care about. •

BERLIN POSTCARD

WOLF AND SHEEP

By Thom Shanker

Markus Wolf, the former East German spy chief widely regarded as the most brilliant spook of the cold war, was sitting in an old comrade's apartment in east Berlin last winter debating a pair of ancient Talmudic riddles. Of such ironies are new histories written and this was, these days anyway, a routine enough occasion: the regular meeting of an independent Jewish association catering to east Berliners who fall outside the state-supported official Jewish community, mostly because of their lingering fondness for communism. Awaiting appeal on his espionage conviction, Wolf had some time on his hands. So to keep his legendary intellect, honed on years of interrogation and blackmail, razor-sharp, "Misha" Wolf was belatedly exploring the Talmudic inquiry of his ancestral Judaism.

The evening's first question was posed by a rabbi visiting from Israel: You and another person are lost in the desert. There is water enough only for one. The water is in *your* canteen. What to do? Share and both die? Selflessly sacrifice and give all the water to your companion? Or save yourself?

Now, in a long-awaited ruling, Germany's highest court has given its own version of the answer—a decision that seems to validate the urge to save your own skin and sacrifice your comrades. In so doing, it has reopened a painful wound in hopes of removing a malignancy still eating away at German society almost six years after the fall of the Wall. In the May ruling, the Federal Constitutional Court in Karlsruhe closed the record on the cold war by granting virtual amnesty to East Germans who spied against West Germany—so long as they had never set foot on West German soil. Spies who were apprehended in the West, however, received no such absolution. In effect, the court said it was OK to have *ordered* espionage later deemed reprehensible, but that if you were the workaday spy type carrying out such orders on foreign soil—well, too bad you weren't wrapped around a higher link on the intelligence food chain.

At the level of international law, the logic behind the ruling is understandable. To the world at large, East Germany was not an outlaw regime or a nation at declared war with the West. The German Democratic Republic had a seat at the United Nations, was host to embassies from member states of the NATO alliance, was a valued competitor in international athletics. More to the point, East Germany's cloak-and-dagger operations, undertaken by the many tentacles of Wolf's intelligence

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directorate at the State Security Service, the dreaded Stasi, were viewed as the legitimate prerogatives of a sovereign state that had every right to define and pursue its best interests—just as America's CIA and West Germany's BND did. International law recognizes a formally correct, if morally unsatisfying, equation between the espionage ventures of pluralistic democracies and those of totalitarian police states.

Pity the poor field agents who risked life and sanity to infiltrate the West German chancellor's office, his secret service and NATO for the benefit of socialism or a cash bonus. Here, internal consistency should have dictated that the court give East Germans who spied in West Germany the same amnesty granted their bosses while still characterizing as criminal those West Germans who did the Stasi's bidding against their homeland. That was treason, pure and simple.

Oh, yes. Back to Wolf's solution to that Talmudic riddle. It was, in essence, the same as the court's. Biblical entreaties say, Love your neighbor *as* yourself—not *more* than yourself, Wolf pointed out. Thus, there is no requirement to share the lifesaving liquid. If the water was his, Wolf said, he'd drink it; just as he is savoring the invalidation of his six-year jail sentence for treason and bribery, while his colleagues and field agents languish in western prisons.

At that Berlin gathering of leftover lefties, nobody had the nerve to ask Wolf what trick of his trade he might employ if the water were in his companion's canteen. But survival instinct was the sharp end slicing through the ethical discussion of the second Talmudic riddle posed that night. Suppose you are the sole quarry prized by a fearsome army surrounding a defenseless city. The commander of the siege force announces he will destroy the town and slaughter its population unless you surrender yourself; but come out now and the city and its citizens will be spared. What will you choose? The Bible says, Love your neighborhood *as* yourself, not *less* than yourself. Therefore, a person is obligated to surrender rather than cause suffering for an entire community. True to character, though, that wasn't Wolf's choice.

Again, the German Constitutional Court dealt inadvertently with the subtleties of this question in its ruling. International law may look on the work of spies as essentially the same, regardless of their home state's ideology. However, the German high court ruling was not based on international law but on German law, and the Federal Republic of Germany never formally recognized the German Democratic Republic as a separate state.

The legal intricacies may have been forgotten by most in the post-cold war world, but West German law—even the preamble of the West German constitution—upheld the unity of the German state after 1945. East and West Germany did not exchange ambassadors, but permanent representatives. East Germans who escaped to West Germany were never treated as foreign nationals and required to apply for asylum, but were automatically precertified as citizens of the Federal Republic. In 1990, Chancellor Kohl and other West German politicians insisted on referring to the joining of the two Germanies as "reunification," not unification. Legally, there was no coming together of two separate German states; instead, 17 million citizens in the eastern part of a single German state simply migrated to the Federal Republic without actually moving.

It remains somewhat baffling, therefore, why a German high court ruling based on German law did not reaffirm this conception of the East German government as a Vichy-style regime of occupation, with every officer a Pétain collaborating with an occupying power based in Moscow. Although the peaceful revolution from within still deserves our lasting respect, it must not be forgotten that the German Democratic Republic only collapsed when that foreign power in Moscow no longer had the will or the strength to defend its quisling regime in eastern Berlin. Clearly, the court was attempting to legislate a social policy of sorts—smoothing a wrinkle of reunification, the justices might say—a task at which courts very often fail.

Even on this issue, German courts have attempted to have it both ways. In the cases of border guards convicted of murder or manslaughter for firing at escapees trying to breach the Wall, the court has declared, Nuremburg-style, that East Germany's shoot-to-kill law was a reprehensible act of an illegitimate state and should never have been carried out. On retrial, many of the cases have ended with the reduction or suspension of the original harsh sentences, but the guilty verdicts stand as a warning that edicts of a terrorist state should not be obeyed.

Why, then, has East German espionage been made a protected act? Perhaps the court was weary of the accusations that West Germany's legal system was dispensing, à la Nuremberg, a kind of victor's justice—especially since both "victor" and "vanquished" were Germans now carrying the same citizenship papers—and wanted to scale back its scope. But, surely, high-ranking East German intelligence officers, at least under the laws of the Federal Republic now in force nationwide, could be classified as paid agents collaborating with a hostile foreign occupying power—the USSR—against the German state as defined by West German law.

The German court's decision is highly troubling. Granted, it faced a daunting task, an ethical dilemma of Talmudic proportions. As Tina Rosenberg argues in her recent book, *The Haunted Land: Facing Europe's Ghosts After Communism*, trials, administrative judgments and purges throughout the former Eastern bloc have often proven unjust and graceless. Where so many people were implicated in the system of repression, there is no perfect way to reckon with the past. And, yet, the question remains for Germany's future: What kind of justice or reconciliation can be found when spymasters and high-ranking officials are freed from prosecution while their foot soldiers serve time?

THOM SHANKER, a member of *The Chicago Tribune* editorial board, was based in Berlin from 1992 to 1995.

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Clinton's budget failures, a recap.

THE WAY WE WEREN'T

By Matthew Miller

Historians who look to explain the 1995 balanced budget flip-flop that tore the Democratic Party apart will inherit a narrative that's already becoming establishment wisdom. As the story goes, the Republicans, once in power in Congress, surprised everyone by rising above rhetoric to offer plans that plausibly balanced the budget. Faced with this reality, President Clinton had no choice but to match them, or else be seen as leading the opposition to a goal shared, at least in the abstract, by the vast majority of Americans. Yes, this meant throwing congressional liberals overboard, but, as one senior White House aide kept saying in the wake of the 1994 election blowout, "I didn't create November 8—I'm just trying to cope with it."

Was Clinton, thus, simply the victim of unexpected GOP boldness, forced to improvise so that he could live to fight another day? That's a nice story as far as it goes, but it doesn't account for an indispensable fact: Why did the GOP have a political opening on the deficit in the first place? After all, Clinton enacted a big deficit reduction package in 1993 and ever since has bragged that he's the first president since Harry Truman to get the deficit going down for three years running.

If your gut reaction to this White House "talking point" is that Truman was in office a long time ago, and Clinton's $200 billion deficits still sound pretty big, you've got more political smarts than the average Democrat. In fact, Clinton was not a victim. To understand his current predicament, and where Democrats need to go from here on the budget, you need to understand where Clinton went wrong in his original 1993 economic plan. There's a direct line between the self-inflicted political trap set by Clinton's early budget decisions and the tragedy of his latest proposals. For many people, the conventional wisdom on Clinton's first days comes from Bob Woodward's book, *The Agenda*, which portrayed the new president overruling his political advisers to "do the right thing" on the deficit. The real story is how a well-intentioned president squandered much of his first term by not going far enough in those early choices—choices that doomed him to today's costly scramble for political survival at the price of trivializing much of what he claimed to believe in.

There's a lot you can say about the Republican budget—that it's mean, shortsighted and downright immoral in places, for starters—but one thing the GOP has done is beyond dispute. In March, Republicans were balking at making good on their big talk about balanced budgets in the wake of the balanced budget amendment's narrow defeat. House budget chief John Kasich, hailed lately for courageous leadership, told his caucus then that the Contract with America's pledge only involved bringing the amendment to a vote; *achieving* balance without it wasn't a Republican goal etched in stone. In what could prove to be the most politically astute retort of the decade, Newt Gingrich said instantly, "I move that we write it in stone."

That kind of instinct wasn't in the air in the early days of the Clinton administration.

During Clinton's transition in late 1992, the question was what deficit target to aim for in fiscal 1997 (the last budget of Clinton's first term); internal debate quickly congealed around options between $190 billion and $240 billion. Beyond 1997, the deficit would turn up again. Bolder options, like getting closer to balance after four years so as to be within striking distance of finishing the job, were never on the table. Put another way: only $50 billion at the end of four years separated the Clinton team's "minimal" $240 billion option from its "bold" $190 billion option. That's a nearly $13-billion-a-year difference over four years in a federal budget of $1.5 trillion—less than 1 percent per year.

In policy terms, this guaranteed a band-aid, not a cure. The rationale for getting deficits down to only $200 billion was that debt would then no longer be growing faster than national income. Fair enough. But saying this goal was *sufficient* was like a family saying "avoiding bankruptcy is all we aspire to do." National savings—half of which had been diverted away from private investment to finance government deficits for a decade—would creep back only to 3 or 4 percent of GDP under the plan. Germany and Japan would continue to save and invest three to five times more. And, with red ink flowing at $200 billion indefinitely, how would Congress ever find room to fund the ambitious

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infrastructure or lifelong learning agendas Clinton had campaigned on? Shoehorning in new priorities (i.e., elbowing out old constituencies) without having freed up enough money through major entitlement and tax subsidy reforms seemed impossible. Yet the projected annual growth rate of entitlements under the Clinton plan would only drop from 6.6 percent to 5.6 percent. The biggest tax subsidies (for mortgage interest and the exclusion from income of employer health contributions) weren't touched at all.

Politically, the plan didn't work. Its implicit rallying cry was: "Let's get the deficit down from $290 billion to about $200 billion—and then let it shoot back up again!" Clinton would be left with the worst of all worlds. He'd rack up more than a trillion in fresh debt while imposing broad, visible tax increases, and without the fig leaf of a divided government. You could hear the 1996 Republican ads already: "Bill Clinton raised your taxes, borrowed a billion dollars a day, and the deficit's still headed through the roof."

So why did the president do it? I can't claim fully to understand it since I didn't attend presidential meetings and I wasn't privy to every senior deliberation. But I was close enough to believe that the process had blind spots that led to a missed opportunity the Democrats need to learn from—especially since the legacy of those mistakes leads directly to the new budget Clinton has offered. What made it happen?

The natural bias after Clinton's 1992 victory was to do something that roughly satisfied his campaign pledge to cut the deficit in half (say, as a share of GDP). Given the powerful presumption accorded this goal, only two things could have changed the boundaries of debate. Either Clinton's political advisers could have persuaded him that this course was bad politics or his economic advisers could have persuaded him that, under it, his vision for the country would not be realized. Neither happened.

The political advisers wanted to do as little on the deficit as could be squared with fulfilling the campaign commitment. However much voters said they wanted the budget balanced, they also told pollsters they opposed cutting such programs as Medicare and Social Security to achieve it. Worse, proposing any taxes after promising a tax cut in the campaign inspired justifiable fears of a costly "Slick Willie" resurrection, a public breach of faith.

This obsession with managing the short-term risks of any change in direction from the campaign blinded the president and his advisers to what turned out to be the greater long-term risks of not going far enough in that new direction. The notion that a political case existed for doing more on the deficit wasn't considered. To be fair, big changes in entitlements and tax subsidies would have required bipartisan action. We were intending to pass our plan with only Democratic votes. Why was this one-party strategy a given? The political advisers said there was no way we could get cooperation from Republicans—they'd sworn after the bitter election that we were on our own. Could Clinton have changed this dynamic? What if he'd put forward a knock-your-socks-off plan that balanced the budget *and* boosted public investment, called Republicans to the table—in a word, led? We'll never know how the Republicans would have responded. We only know such a strategy wasn't seriously considered.

If Clinton's political advisers saw no electoral payoff in bolder action, his Council of Economic Advisers, oddly, didn't see one for the economy, either. As Woodward reported, then-CEA chair Laura Tyson (now head of Clinton's National Economic Council) and deputy Alan Blinder (now at the Fed) stressed that the benefits of deficit reduction came only in the long term, as higher savings and investment turned into income gains over time. They contrasted these distant benefits with the short-term economic contraction deficit reduction would bring, which argued for doing less. In making this case, Blinder in particular pooh-poohed the probability (emphasized by OMB and Treasury) that long-term interest rates would fall when a credible deficit plan was announced, which could stimulate the economy enough to offset the impact of less government spending and higher taxes. Blinder was wrong; interest rates dropped significantly when the plan was announced and in the months that followed. But at the time, and later, Tyson echoed his caution, worried, perhaps, that she might be held responsible later for a recession.

With the political people set on doing the minimum, and the CEA in their corner, no one else seriously questioned why this minimum was the "right" goal. In fact, broader substantive goals were hardly discussed at all. A year later in a meeting on the balanced budget amendment, for example, someone asked what our long-term fiscal policy was. Did we think the budget should be balanced? If so, by when? "We've never had that discussion," answered one senior economic official. "It's very abstract and hard to get agreement on," said another.

Why weren't the goals challenged more by the hawks? Deficit fighters such as Leon Panetta and Alice Rivlin were not from the campaign and were thus viewed with suspicion by Clinton old-timers. They also knew huge savings from Medicare and Medicaid needed to be a major piece of any plan to get the deficit down further. Health-care reform was the president's first-year priority after the budget; maybe the hawks believed they'd have another bite at the deficit apple. They took this first step, persuaded that they could finish the job with health-care reform. And we know what happened there.

The absence of tougher questions about goals, then, combined with a one-sided view of the political risks, led the president and his team to a classic false choice. As portrayed in *The Agenda*, Clinton's economic plan represented a compromise between the deficit hawks on the economic team and the investment advocates among his political advisers. This missed the real story.

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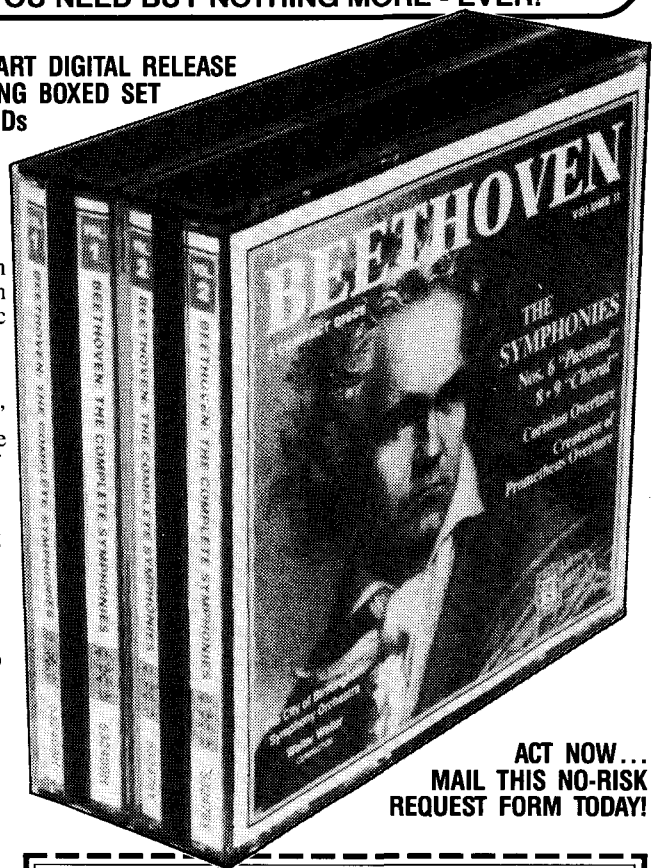

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As a matter of budget math, there was only a tradeoff between deficit reduction and public investment if, as most White House aides assumed, the biggest entitlements and tax subsidies had to be left essentially untouched. If Woodward's account was the budget equivalent of a Grisham thriller, the real drama was more like a Pinter or Beckett play, where the truth is told in the silences. It's what didn't get discussed that mattered most. The huge political assumptions underlying this false choice became unexamined articles of faith—at least until Republicans proved how illusory they were with a concrete call for balance that transformed the debate.

Still, no matter what was or wasn't asked, it finally came down to the president. The deficit had never been Clinton's issue in the campaign; once in office, the whole budget-cutting enterprise seemed to affect him strangely. "I can honestly say," he told reporters on the day of his speech unveiling the plan, "I've made more specific cuts that affect me personally than I can think that any of my predecessors have made." What was that odd boast supposed to mean?

Though this puzzled me at the time, the psychology became clearer when I would later hear the president and his aides contrast reducing the deficit with doing things "for" people. And, of course, cutting spending or raising taxes did take something away from people; every dollar of even "wasteful" spending was a dollar of income someone else relied on and often needed. Still, when deficit reduction brought lower interest rates, it lowered the cost of car loans, student loans, housing, you name it—all benefits that were indisputably "for" people.

But they were also benefits that seemed somehow indirect. When you went to the bank to refinance your mortgage at a lower rate it wasn't obvious that you should be thanking your president for your good fortune. Clinton wanted to be President as Benefactor, doing things "for" people, dispensing largess, touching human lives directly. He had apprenticed for this presidential style all his life. He yearned to be Lyndon Johnson in the era of Ross Perot. The story of the missed chance at the dawn of Clinton's term is that he could not travel, in the short and frenzied time between his election and his need to propose a plan, the intellectual and emotional distance between the presidency he dreamed of and the presidency history had handed him.

Clinton needed to reform the major entitlements and tax subsidies to achieve his avowed goals of increasing public and private investment enough to put us on a path to higher living standards. For separate political reasons, he needed to get the deficit below that invisible threshold (is it $100 billion?) beyond which public and media alarms go off. In shrinking from the reforms required to meet these goals, Clinton ended up twice cursed. His impact on our long-term economic outlook is destined to be marginal. And, with deficits by design still at $200 billion, Clinton surrendered the fiscal initiative to the GOP and closed on himself the political box in which he now suffocates.

Imagine you're the president and you'll see the dilemma. After November 1994, what's left to do? Politics has ruled out large cuts in defense or in welfare for the well-off, or—heaven forfend—tax increases. Well, you can stretch out the time. Thank goodness the Republicans weren't smart enough to adopt Representative Gerald Solomon's five-year plan to get to zero; then a ten-year plan would have been laughed out of town. But seven versus ten years? No political or media salience in that gap. That lets you cushion the blow of the cuts you offer (while still getting to zero without taxes). You've always said that health entitlements were the real long-term problem, so there's nothing new in using me-too-but-smaller Medicare and Medicaid savings. Yes, it undercuts Democrats who've assailed these GOP cuts, but the alternative is not to have your own plan for balance. That's just not politic in Newt's America.

But you're still not close. So, finally, in the budget equivalent of Greek tragedy, you kill your baby to save yourself. You take your biggest cuts from annually appropriated domestic spending, home of your investment agenda. When you ran you pledged a fresh $200 billion over four years for key programs in infrastructure, R&D and education. You've managed $15 billion halfway through your term; now, to balance your books, you cap any further increase to inflation. You thereby assure that federal research and development will trail Germany's and Japan's in perpetuity. You don't expand your national service initiative by making service a rite of passage (and a source of education financing) for every young American; instead, it will serve just 47,000. Your school-to-work apprenticeship program languishes at a dollar per American. And these are things you're drawing the line on; the rest goes down 20 percent.

Somewhere inside, you know the baby boom's retirement is just over the horizon, and with it the inevitability of serious entitlement and tax subsidy reforms (like means-testing) as the only alternative to national bankruptcy. As you smother your investments in their crib (recall Abbie in *Desire Under the Elms*, who also had good intentions), do you ask whether, indeed, you might have proposed such measures now, to untie the Gordian knot and bolster new initiatives even while balancing the budget? Could that have held Democrats together? It would have meant risking almost everything to change the political dynamic. Maybe only Republicans do that.

Perhaps you've got a secret plan to fix all this if you're re-elected. George Bush's OMB used to say that entitlement reform was "plan A" after re-election, too. Maybe you're smart enough to pull this off, and ten years from now this will all seem like a necessary detour for short-term survival. As a Democrat struggling to hang in there, I hope so. If not, you may retire regretting you didn't put it all on the line for what you believed in. •

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A new era: political, not judicial.

THE COLOR-BLIND COURT

By Jeffrey Rosen

The conservative justices are privately exuberant about the remarkable Supreme Court term that ended last week. Surprised and slightly dazed by the magnitude of their victory, they think they have finally exorcized the ghost of the Warren Court, fulfilled the goals of the conservative judicial revolution and vindicated the ideal of a color-blind Constitution for the first time since Reconstruction. At least four justices—Clarence Thomas, Antonin Scalia, William Rehnquist and Anthony Kennedy—have firmly committed themselves to the proposition that government can almost never classify citizens on the basis of race. They have signaled their readiness to declare the Voting Rights Act unconstitutional by insisting that the Fourteenth Amendment forbids states from using race as the "predominant purpose" in drawing electoral districts. They have paved the way for the judicial invalidation of most forms of affirmative action by insisting that all racial preferences, whether passed by Congress or the states, are presumptively unconstitutional unless narrowly designed as a remedy for past discrimination. And they have made clear their impatience with the court-ordered desegregation plans, the most tangible legacy of *Brown* v. *Board of Education*. The lawyers will quibble, and the president will implore everyone to search for common ground, but for the justices themselves, the victory is sweeter than they dared hope.

If the Court were Congress, it might be possible to admire what the justices have wrought. By following their consciences and the election returns, they have managed to represent the political mood of the country more faithfully than the people's elected representatives. The racialist remedies, such as minority set-asides and minority voting districts, that Democrats and Republicans briefly supported in the 1970s and 1980s have now lost favor among their former champions. And yet the new Republican Congress, afraid of the radical consequences of enacting the color-blind principle, is reluctant to repeal the programs it claims to oppose. The justices, by contrast, have plunged into the political thicket without worrying about the political consequences, and they have vindicated plebiscitary democracy more dramatically than the political branches themselves.

But the Court is not Congress; as conservatives never tire of reminding us, it is supposed to be a body of principle, not politics, committed to interpreting the law, not making it. So the great race cases of 1995 must be evaluated in light of the constitutional methodology that the conservatives themselves have chosen to embrace. For those of us, and I mean political liberals, who have been sympathetic to the conservative rhetoric of judicial restraint, strict constructionism and devotion to the original understanding of the Constitution, it's hard not to read the race decisions without feeling embarrassed and foolish and slightly duped, like an earnest child who discovers that fairy tales are not true. For the three race cases reveal the conservative judicial project to be unprincipled at its core.

In cases where they found it politically convenient, the conservatives were obsessively attentive to constitutional history. They exalted the understanding of the anti-federalists over the federalists, of Calhoun over Lincoln, and, with elaborate quotations from the late eighteenth century, revealed a Limbaughesque suspicion of federal power. In the *Lopez* case, they held, for the first time since the New Deal, that Congress lacked the power to enact a law; and, in the *Term Limits* case, they embraced a vision of state sovereignty that seemed to question the meaning of Reconstruction. In the desegregation case, Clarence Thomas went so far as to declare that "when an attack on the Constitution is followed by an open Federalist effort to narrow the provision, the appropriate conclusion is that the drafters and ratifiers of the Constitution approved the more limited construction offered in response." This is strict constructionism on steroids.

But in the three race cases there is a conspicuous silence. Discussions of the original meaning of the Reconstruction amendments—from which the conservatives claim to derive the principle that the Constitution is color-blind—are nowhere to be found. And no wonder. An examination of the historical evidence reveals that the original intentions of the radical Republicans in 1865 are flamboyantly inconsistent with the color-blind jurisprudence of the conservative justices in 1995. The selective historicism is so glaring that it calls to mind one of the most unfortunate eras in the Supreme Court's history—the civil rights cases of the 1870s and 1880s, when another band of conservative

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justices studiously ignored the original understanding of the Reconstruction amendments and struck down the laws passed by the Reconstruction Congress which guaranteed the civil equality of the freed slaves. The decisions to uphold segregation and to strike down affirmative action can hardly be compared, of course, despite Justice Thomas's suggestion that there is "a moral and constitutional equivalence ... between laws designed to subjugate a race and those that distribute benefits on the basis of race." But, in their indifference to the original meaning of the Reconstruction amendments, the justices of the Waite Court and the Rehnquist Court are eerily similar.

How, precisely, did this remarkable term come to pass? In the most obvious sense, the conservatives triumphed in 1995 because four of them are committed to the principle that government can never make distinctions among citizens on the basis of race. And a fifth, Sandra Day O'Connor, has an impulse rather than an argument, whose precise contours she is unable to articulate, that racial classifications are in general a bad thing, except when they aren't. But the liberal justices, too, must bear some of the blame. After a false sense of confidence at the beginning of the term, when the newly appointed Clinton justices eked out narrow majorities in two death penalty cases, Justices Breyer, Souter, Ginsburg and Stevens failed, in the race cases, to make the historical arguments that might have helped their cause. And, in other cases, they proved as willing to manipulate history as their conservative opponents. In the *Rosenberger* case, for example, the principle of state neutrality toward religious expression supported the conclusion that the University of Virginia should not be permitted to exempt a student newspaper with a Christian viewpoint from the school's policy of funding all student activities. Although O'Connor initially voted with the conservatives, she began to waver after the conference. Souter drafted an opinion insisting that the Founders believed that government should be stripped of all power to support religion directly, although this cast only indirect light on the question of whether religious speech should be singled out for special disfavor. Thomas circulated a strong response, and O'Connor's vote held firm.

In one sense, 1995 was the year that Clarence Thomas found his voice, and he deserves credit for helping to forge the new conservative majority. By committing himself to the rhetoric of original intention with uncompromising vigor, by combining a few heartfelt beliefs—racial classifications are bad, state sovereignty is good—with the historical research of able clerks; and by displaying a willingness to overturn decades of precedent in the name of his methodology, he helped to shift the terms of debate for the entire court.

This makes it all the more unfortunate that, in the three race cases of 1995, Thomas and his colleagues presumed to transform the meaning of the Reconstruction amendments without pausing to examine their original meaning. So we must brace ourselves for the dark and lonely work of historical excavation. The antiquarian detour may seem tedious, but it is the only way to appreciate the unabashed opportunism that the conservative justices have displayed at their moment of triumph.

Writing for the conservative majority in *Miller* v. *Johnson*, Justice Kennedy held that apportionment decisions are constitutionally suspicious whenever race is "the predominant factor motivating the legislature's decision to place a significant number of voters" in a particular district. Repudiating O'Connor's muddled focus on appearances in *Shaw* v. *Reno*, Kennedy emphasized that a district need not look bizarre to violate the Constitution; instead, the question is whether "race for its own sake, and not other districting principles, was the legislature's dominant and controlling rationale." O'Connor provided a fifth vote but has still not sorted out her conflicted impulses. In an anxious concurrence—it was drafted, uncharacteristically, in her own hand—she tried to keep her options open by denying the obvious implications of the color-blind principle she had just endorsed. The Court's decision, she declared, "does not throw into doubt the vast majority of the Nation's 435 congressional districts, where presumably the States have drawn the boundaries in accordance with their customary districting principles." The adjective "presumably" is a plaintive touch; but it can't elide the fact that the decision plainly *does* throw into doubt the minority districts created to comply with the 1982 amendments to the Voting Rights Act. The "predominant purpose" test is cleverly designed to make race-based districting virtually impossible in practice, whether or not the Voting Rights Act survives in theory.

In 1982, of course, Congress's impulses were perversely conflicted. Although the amendments claim not to establish a right of proportional representation, they clearly require legislatures and courts to be exquisitely race-conscious and to use race as the "predominant purpose" in creating minority districts. In areas where blacks and whites vote in racially polarized blocs, black voters, by definition, "have less opportunity to elect representatives of their choice." To avoid violating the explicit commands of the Voting Rights Act, legislatures must create at least *some* districts where black voters constitute the majority rather than the minority (although the Bush and Clinton administrations were wrong to demand as many districts as possible). But, in the wake of *Miller*, any district created to comply with the Voting Rights Act is vulnerable to a constitutional challenge. Thus, every state is now trapped between what the Voting Rights Act requires and what Justice Kennedy says the Constitution forbids.

But never mind the prudential concerns about judges interjecting themselves into the thick of politics. The only question for a principled strict constructionist is whether the decision is supported by the original understanding of the framers of the Fourteenth Amendment. Although the Kennedy opinion contains not a word about history, the answer is perfectly clear.

Kennedy's notion that the Fourteenth Amendment prohibits states from using race as the "predominant

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purpose" in drawing electoral districts is hard to reconcile with the text of the Fourteenth Amendment itself. Section 2 of the amendment says that when the right to vote at any election is denied or abridged in any way, the basis of representation in the offending state shall be proportionately reduced. This was a brazenly partisan measure. The grant of citizenship to millions of freedmen in the South meant, the Reconstruction Republicans recognized, a dramatic increase in the number of congressional seats allocated to their opponents. If the Democratic legislatures continued to deny the vote to blacks—and everyone assumed that they would—then Democrats would soon have a congressional majority. By passing Section 2, the Republicans tacitly acknowledged that states were free to use race as the "predominant purpose" in denying or abridging the vote, as long as they were willing to pay the penalty.

During the heyday of the Warren era, the conservative judicial revolution was founded on the principle that the Fourteenth Amendment has nothing at all to say about apportionment. Dissenting in *Reynolds* v. *Sims*, the "one-man-one-vote case," Justice John M. Harlan, the high priest of modern judicial conservatives, reviewed the historical evidence exhaustively. He concluded: "The history of the adoption of the Fourteenth Amendment provides conclusive evidence that neither those who proposed nor those who ratified the Amendment believed that the Equal Protection Clause limited the power of the States to apportion their legislatures as they saw fit." A few months ago the Federalist Society, purveyor of law clerks and mischievous ideas to the conservative justices, sponsored a symposium in Chicago on Original Intent and the Constitution. One panel focused on the original understanding of the Reconstruction amendments. The panelists included some of the best conservative scholars of Reconstruction, and all of them agreed that the Scalia-Thomas insistence on color-blindness in matters of apportionment is impossible to reconcile with the history of the Reconstruction amendments. The Fourteenth Amendment plainly was *not* designed to forbid racial discrimination in all circumstances. In the odd nineteenth-century locution, it was designed to protect a limited set of civil rights, as opposed to political and social rights. There was some confusion about what these categories entailed, but everyone agreed that political rights included the right to vote, the right to hold office and the right to serve on juries. The committee report accompanying the Fourteenth Amendment explicitly stated that the amendment would have no effect on state authority over voting rights.

"At the heart of the Constitution's guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual or national class," declares Justice Kennedy. Of course, the Reconstruction Republicans also talked about prohibiting caste legislation, which stigmatized and degraded blacks as a group. But even if one concedes Kennedy's point that the Fourteenth Amendment was individualist at its core, this is persuasive evidence that it has nothing to say about apportionment. Drawing electoral districts is a communal activity in which groups of representatives choose groups of constituents, not where individual constituents choose individual representatives.

It is also hard to identify what *injury* the individual white plaintiffs in the voting rights cases have suffered. Unlike the affirmative action cases, in which individual whites lose jobs to individual blacks, no voter has any *right* to be placed in a district where his or her preferred candidates are likely to win. Justice Kennedy claims that the placement of white voters in one district rather than another caused them "representational harms." But, as Justice Stevens pointed out in his dissent, the notion that white voters suffer "representational harms" when they are placed in a mostly black district rests on the very stereotypes Kennedy claims to abhor: that voters of a particular race "think alike, share the same political interests, and will prefer the same candidates at the polls." And why does Kennedy think that black districts have a race while white districts do not? For all these reasons, the Court's effort to regulate the collective activity of apportionment by invoking the individualist text of the Fourteenth Amendment is conceptually absurd.

The affirmative action case, *Adarand* v. *Pena*, is not quite as incoherent. But it, too, combines nervous hedging from Justice O'Connor with sweeping rhetoric that calls into question much of affirmative action as it is currently practiced. It reveals that at least two and perhaps four justices are willing to ban racial preferences in all circumstances. And it is impossible to reconcile with the original understanding of the Fourteenth Amendment.

Justice O'Connor, writing for the Court, held that all racial classifications, whether passed by Congress or the states, must be strictly scrutinized by judges and can only

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survive if they are "narrowly tailored" to accomplish a "compelling governmental interest." This is a daunting test: the last time five members of the Court upheld a racial classification under strict scrutiny was the Japanese internment case in 1944. But O'Connor, the former state legislator, makes clear that the scrutiny she has in mind is not quite so strict after all: "It is only by applying strict scrutiny that we can distinguish between unconstitutional discrimination and narrowly tailored remedial programs that legislatures may enact to further the compelling governmental interest in redressing the effects of past discrimination."

After a constitutional sea change, there is always a period of denial and confusion, as the politicians and the lawyers rub their eyes and try to absorb the meaning of the new order. Courts are notoriously weak engines of social change, and so perhaps the *Adarand* decision will, in the long run, be discreetly ignored. But, if the remedial model is followed to its logical conclusion, few affirmative action programs outside the university can survive. As Walter Dellinger, the assistant attorney general, emphasizes in a clear-eyed memorandum to federal agencies, all the most controversial racial preferences (such as the Federal Communications Commission's distress sale for minority broadcasters) are almost impossible to justify as a remedy for past discrimination. The largest federal affirmative action program—Executive Order 11,246, which requires federal contractors to adopt "goals and timetables" to correct "underutilization" of women and minorities—also appears to be unconstitutional under the new standard: there is little specific evidence of discrimination against minorities in most of the industries with which the federal government does business. And the federal set-asides for minority contractors are clearly doomed as well. Instead of succumbing to the O'Connorist impulse to deny the implications of the new order, President Clinton might do better to bow reluctantly to its radical force.

As a political matter, there is something appealing about the hardheaded skepticism of the *Adarand* opinion, which recognizes that Congress, no less than state legislatures, can be captured by cynical racial politics. Unlike the amorphous voting rights decisions, where judges have no objective standards for distinguishing permissible districts from impermissible ones, it's often possible, in the affirmative action cases, to identify real injuries to real victims.

As a constitutional matter, however, *Adarand* reveals the Achilles' heel of the jurisprudence of original understanding. The conservative justices have never begun to explain why the Fourteenth Amendment, which says that "*no state* shall abridge ... the equal protection of the laws," should be construed to constrain the powers of Congress in any way. In his concurrence, Clarence Thomas declares that "under our Constitution, the government may not make distinctions on the basis of race." But Justice John Harlan's argument in the 1880s was much narrower. He did not claim that racial distinctions were forbidden in all circumstances but, rather, that the privileges and immunities of national citizenship can't be granted to one race and denied to another. And Harlan's argument would hardly justify striking down racial preferences for minority contractors. As John Harrison of the University of Virginia has illustrated, the privileges and immunities of national citizenship were originally understood as a narrow category of benefits and entitlements. They were uniform from state to state, and supported by general taxation. In the nineteenth-century idiom, they were fundamental rights, rather than discretionary privileges that could be granted or withdrawn at the government's pleasure. Being hired by the government to build highways, in short, was not among them. A true originalist, then, would allow government to discriminate against black contractors, as well as in favor of them, which is perhaps why the liberals didn't press the point.

Both Scalia and Thomas insist there is no constitutional or moral difference between racism and racialism, that racial classifications are unconstitutional in all circumstances. "In the eyes of government, we are just one race here. It is American," says Scalia. This is a Freudian slip disguised as a constitutional principle: the image of an "American race" conjures up visions of the late-nineteenth-century imperialists, of Brooks Adams and Ernest Renan, that should not trip easily off the tongue of an American conservative. "There can be no doubt that racial paternalism and its unintended consequences can be as poisonous and pernicious as any other form of discrimination," Thomas declares. "So-called 'benign' discrimination teaches many that because of chronic and apparently immutable handicaps, minorities cannot compete with them without their patronizing indulgence.... In my mind, government-sponsored racial discrimination based on benign prejudice is just as noxious as discrimination inspired by malicious prejudice."

At first, this proposition seems implausible. Surely Thomas doesn't mean to say that there are no moral or constitutional differences between the malicious discrimination that led to slavery and the benign discrimination that can lead, say, to a Supreme Court appointment. But, on reflection, Thomas's point seems provocative. It's plausible to argue that, regardless of its motivation, affirmative action can stigmatize and degrade minorities just as slavery did, because racial classifications of any kind promote racial castes. Perhaps not all affirmative action is stigmatizing; but anything short of an absolute ban would not adequately distinguish between racial classifications that produce stigma and those that don't. Because so much is stigmatizing, all must be banned.

But what about the original understanding of the Fourteenth Amendment? The only historical support Thomas offers for his argument is a sweeping citation to the Declaration of Independence. "There can be no doubt that the paternalism that appears to lie at the heart of this program is at war with the principle of inherent equality that underlies and infuses our Constitution. See Declaration of Independence." This is consistent with the natural law philosophy that Thomas embraced before his nomination, and more specifically,

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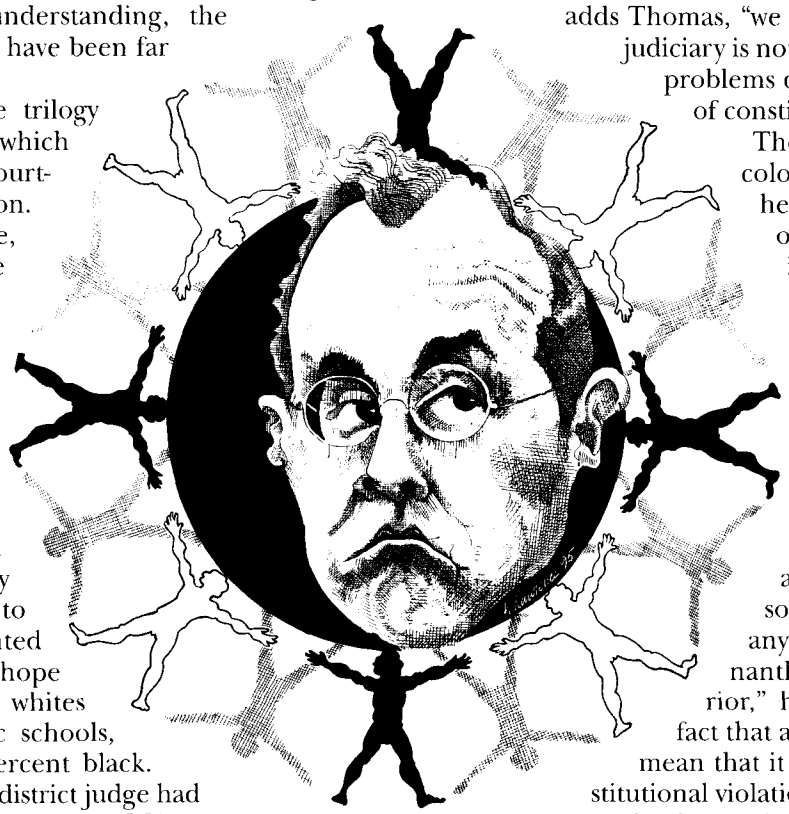
with the natural law rhetoric of some radical abolitionists. Charles Sumner believed, for example, that the Declaration of Independence was part of the Constitution and urged the Reconstruction Congress to adopt a resolution declaring that there shall be "no Oligarchy, Aristocracy, Caste or Monopoly invested with peculiar powers; but all persons shall be equal before the law, whether in the court room or at the ballot box." But Congress rejected Sumner's amendment and Thomas repudiated natural law at his confirmation hearings, declaring that it should play no role in constitutional adjudication. Thomas is trapped, in other words, between his personal impulses, which incline him toward Sumner, and his strict constructionist methodology, which tugs him back toward Calhoun. And without the shadowboxing rhetoric of original understanding, the *Adarand* decision might have been far more convincing.



The last case in the trilogy is *Missouri* v. *Jenkins*, which presages the end of court-ordered desegregation. The conservative five, speaking through Justice Rehnquist, held that the federal courts' power to remedy the effects of school desegregation does not extend very far beyond the elimination of segregation itself. A Kansas City district judge had ordered the state to pay more than $1.4 *billion* to create lavishly appointed magnet schools in the hope of attracting suburban whites into Kansas City public schools, which are almost 70 percent black. Rehnquist held that the district judge had exceeded his authority, because "[t]he proper response to an intradistrict violation is an intradistrict remedy." The sins of Kansas City could not be visited on the suburbs. Rehnquist also rejected the state's unlikely theory that the effects of segregation, rather than the effects of court-ordered integration, caused white flight to the suburbs. And he ridiculed the notion that the poor test scores of black students in the elaborately refurbished Kansas City schools—since the 1990s, they have included microcomputers, a planetarium, greenhouses, swimming pools and a 1,875-foot zoo—could be linked to the lingering effects of Jim Crow.

Of the three race decisions in 1995, *Jenkins* is, as a practical matter, the most important. Congress is unlikely to adopt new set-asides in the future; but hundreds of school districts remain under desegregation decrees. The decision also casts indirect light on the future of affirmative action, because it shows how narrowly the justices want to circumscribe the range of remedies for even the most egregious past discrimination. The proper goal, says Rehnquist, is to restore "the victims of discriminatory conduct to the position they would have occupied in the absence of that conduct."

Jenkins, moreover, is the most authentically conservative of the three race decisions, and, perhaps for this reason, it seems the most coherent and least arch. The five conservatives are brimming over with concern about the abuse of federal judicial power and the danger of empowering unelected judges to meddle in the politics of race—precisely the concerns that they overlooked in the reapportionment cases. "The necessary restrictions on our jurisdiction and authority ... limit the judiciary's institutional capacity to prescribe palliatives for social ills," O'Connor announces. "At some point," adds Thomas, "we must recognize that the judiciary is not omniscient, and that all problems do not require a remedy of constitutional proportions."

Thomas contrasts his own color-blind vision with what he calls "a jurisprudence of black inferiority." He insists that voluntary segregation that results from private choices is not constitutionally troubling because it does not have the social meaning or stigmatic effects of state-imposed segregation. "It never ceases to amaze me that courts are so willing to assume that anything that is predominantly black must be inferior," he declares. "The mere fact that a school is black does not mean that it is the product of a constitutional violation," unless one is willing to accept the demeaning premise that racial separatism is itself unconstitutional. Thus, the black nationalism of Thomas's youth and the libertarianism of his early career intriguingly converge.

In his most personal contribution, Thomas goes on to confront the meaning and legacy of *Brown* v. *Board of Education*. *Brown*, of course, is the awkward subtext of the three race cases of 1995. As a law clerk forty years ago, William Rehnquist had written a memo to Justice Robert Jackson insisting that school segregation did not violate the Constitution and that *Plessy* v. *Ferguson* was correctly decided. Having converted to color-blindness, he is understandably wary about calling attention to his conversion. Thomas's views, however, are consistent, if hardly originalist. In a 1987 article in *The Howard Law Review*, "Toward a 'Plain Reading' of the Constitution—The Declaration of Independence in Constitutional Interpretation," he had criticized *Brown* for focusing on the psychological effects of segregated schools on black chil-

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dren, rather than on the social meaning of segregation: "Thus, the *Brown* focus on environment overlooks the real problem with segregation, its origin in slavery, which was at fundamental odds with the founding principles." In the *Jenkins* opinion, Thomas's argument is more formalistic: *Brown* "did not need to rely upon any psychological or social-science research in order to announce the simple yet fundamental truth that the government cannot discriminate among its citizens on the basis of race.... Psychological injury or benefit is irrelevant to the question whether state actors have engaged in intentional discrimination—the critical inquiry for ascertaining violations of the Equal Protection Clause."

To support his claim that *Brown* rests on firmer historical ground than the Warren Court acknowledged, Thomas cites an article by Michael McConnell of the University of Chicago, "Originalism and the Desegregation Decisions," recently published in *The Virginia Law Review*. But, in fact, McConnell's article is devoted to rejecting Thomas's broad color-blind premise. The Reconstruction Republicans did *not* accept Thomas's anachronistic notion that the equal protection clause was designed to root out intentional discrimination across the entire range of state action. Instead, they understood the *protection* of the laws as a relatively narrow guarantee, designed to ensure equal administration and enforcement of laws passed for the security of liberty and property. "To the supporters of the civil rights bills during the Reconstruction period," McConnell points out, "the focus was on an equality of rights—not on whether the processes of government were infected by discriminatory intent."

McConnell challenges the received wisdom, embraced by constitutional theorists from Ronald Dworkin to Robert Bork, that the *Brown* decision is inconsistent with the original meaning of the Fourteenth Amendment. Between 1870 and 1874, majorities in the House and Senate repeatedly voted in favor of school desegregation, on the theory that the amendment entitled all citizens to the same civil rights. For those who accepted the notion that education was a civil right (and this was a less controversial notion in the 1950s than in the 1870s), the Fourteenth Amendment required that it be extended to white and black citizens on exactly the same terms. But this evidence comes from the period *after* the Fourteenth Amendment was ratified, hardly the kind that Thomas is ordinarily willing to accept.

Thomas's defense of voluntary segregation is not entirely inconsistent with the vision of the Reconstruction Republicans, who saw no contradiction between public equality and private Negrophobia. Like them, Thomas seems to believe that social rights are beyond the regulatory power of the state and that social inequality—resulting from the private reluctance of whites to associate with blacks, or blacks with whites—should be left entirely to private choices. By contrast, both Thomas and the abolitionists believe that state-sponsored segregation should always be illegal and unconstitutional. Senator Sumner, crisply distinguishing between the private and public spheres, insisted that each person "is always free to choose who shall be his friend, his associate, his guest," but when he "walks the streets ... he is subject to the prevailing law of equality."

But Thomas has boxed himself into a corner. In his *Jenkins* opinion he reiterates that, when an attack on a constitutional provision is followed by an attempt to narrow the provision, "the appropriate conclusion is that the drafters and ratifiers ... approved the more limited construction offered in response." And there is no doubt that, during the debates over the Fourteenth Amendment itself, a prominent supporter stated unequivocally that it would not affect segregation. In the course of trying to reconstruct *Brown* v. *Board of Education*, in short, Thomas has committed himself to a methodology that compels him to reject it.

If the conservative justices had made an honest attempt to respect the intentions of the Reconstruction Republicans in the race cases of 1995, they would have voted for judicial restraint rather than judicial activism. Instead of declaring that the Constitution is color-blind in all circumstances, they would have concluded that the Fourteenth Amendment neither imposes any limits on race-conscious apportionment nor forbids set-asides for minority contractors. Nor does it necessarily forbid segregated schools—unless Justices Thomas and Scalia are willing to construe the historical evidence more expansively than they are willing to do in cases involving states' rights and federal powers.

But the race cases of 1995 are distressing in a way that transcends the methodological inconsistencies of conservative or liberal justices. For the second time in a century, the Supreme Court has presumed to forbid Congress from passing civil rights laws and creating voting districts for the benefit of blacks. As an example of judicial usurpation of Congress's prerogatives alone, this should make conservatives cringe. Already, liberals are eulogizing the decade that produced federal set-asides and the first black representatives from the South since the first Reconstruction as the second Reconstruction; and conservatives are celebrating the dawning of the color-blind age. Both claims seem hyperbolic. Perhaps the country is finally ready to embrace the color-blind ideal that was proposed and rejected by the 39th Congress; but because the unelected justices have short-circuited the political debate, we may never know for sure.

"When a man has emerged from slavery," Justice Bradley declared in his notorious opinion striking down the public accommodations act of 1875, "and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws." If the historic moment has arrived at last, the wrong heralds, once again, have trumpeted its arrival. Remember Justice Scalia's cry of anguish in the last abortion case: "We should get out of this area, where we have no right to be, and where we do neither ourselves nor the country any good by remaining." •

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BOOKS & The Arts

Stanley Kauffmann on Films

Survivors

The first film about a lunar expedition was made in 1902. Georges Méliès's *A Trip to the Moon* is a short comic fantasy, with whiskered scientists on a rocket, a line of chorus girls to see them off, a landing in the eye of the Man in the Moon, and slapstick encounters with hostile natives up there. Méliès hadn't invented the subject: he had simply brought the antique lunar dream into a new medium. There it has prospered, especially since space travel became a reality.

The latest such film, certified as technologically A-OK, is **Apollo 13** (Universal), the chronicle of the failed effort at a third moon landing in 1970. (Apollo 11 and Apollo 12 had already done it in 1969.) Just because of this picture's accuracy, it's important to draw a line. On one side are the facts, of ingenious engineering and exceptional courage; on the other, the film as film. And as film, *Apollo 13* is dull.

This isn't because the ending is known—that's true of any historical film. Partly it's because of its God-knows-how-many predecessors, factual and non-factual, some of which had more action and all of which have made this cinematic path well-worn. Partly it's because there are no characters, no room for any substantive character development. Everyone knew and millions adored the people in the *Star Trek* series and in *Star Wars*. Even *The Right Stuff* gave its people some leeway as people. But *Apollo 13* is staffed with human puppets.

The cast includes some gifted actors: Tom Hanks, Ed Harris, Kevin Bacon and, one of the best, Gary Sinise. But for all they have to do here, their parts could have been filled with four modestly competent call-ups from the Screen Actors Guild.

Hanks and Bacon, once they get into the spacecraft with a third man, do what their real-life antecedents did. After an oxygen tank explodes when they are near the moon, this consists mostly of keeping their heads while Mission Control in Houston tries to figure out how to save them. Ed Harris, head of the control center, keeps barking at his colleagues to come up with solutions. Sinise, as an astronaut shunted off the team because he was thought to have incipient measles, does his own ponderings over instruments at the center and comes up at last with the life-saving answer. That's *his* part. As for women in the picture, their roles are like all wifely roles in comparable pictures: they wait and worry.

Technically, the film is marvelous. We're told that not one foot of actual NASA footage was used: everything was re-created. The weightless episodes were shot in a special NASA plane that is used for training astronauts. Ron Howard was the director, but it's the big technical crew that gave this picture what power it has.

Children will get a good deal out of the picture (allowing for Bacon's pre-flight sexual sorties), but only the youngest among them will think it novel. For myself, an old paradox came back hauntingly. All this talk about space, about immensity, yet space travel puts human beings in claustrophobic confinement—space helmets and compact spacecraft.

The overdue improvement in the conditions of some segments in our society is having a curious effect on films about them. For instance, blacks and gays. Besides the important and authentic works on these subjects, we're seeing attempts to treat them in pop forms that had previously been the exclusive territory of the mainstream. The black filmmaker Charles Burnett, with *To Sleep in Anger*, provided an old-fashioned family melodrama, only this time it was a black family. Recently he did *The Glass Shield*, which was one more film about a young cop who goes into the police with ideals and ambition, à la *Serpico*, only to find the force full of sleaze and corruption. This time the cop is black.

Now comes **The Incredibly True Adventure of Two Girls in Love** (Fine Line). Made by Maria Maggenti, this is just one more high-school comedy-romance, except that this time it's between two girls, and what's more, one of them is black. The story's only smidgen of interest is in the fact that it's the white girl who is working-class and the black girl who is from a wealthy family. Otherwise it's a wretchedly written-directed-acted mess.

The only importance of the films above in the ongoing struggle for justice

FILMS WORTH SEEING

Bandit Queen. *Re-enactment of the life of a modern Indian woman who, following years of abuse, sexual and otherwise, became leader of a Robin Hood band. Now, after prison, she is in Indian politics. Sizzling. (Reviewed 7/10/95)* **The Postman.** *Poignant fiction about Pablo Neruda's stay on Capri in 1952 and his friendship with the local postman who bicycled up his mail. Philippe Noiret most satisfying as Neruda, the late Massimo Troisi unforgettable as his friend. (7/3/95)* **Sister My Sister.** *Stark rendering of the real-life double murder committed by two French sisters in 1933. (Also the basis of Genet's* The Maids.*) The script is more clinical than insightful, but Joely Richardson and Jodhi May—and the direction by Nancy Meckler—are superb. (7/17/95)* **Smoke.** *Paul Auster's astringent screenplay, Wayne Wang's reticent directing, Harvey Keitel's and William Hurt's gnomic acting—a treat. (6/26/95)*—**SK**

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is that they argue for equal rights in film-world clichés.

A new gay film called **Jeffrey** (Orion Classics) is certainly not part of the pop-form drive. It's an original piece in several ways. Paul Rudnick wrote the screenplay from his off-Broadway success, and Christopher Ashley, who directed it on stage, makes his film debut with it. Both Rudnick and Ashley are agreeably off-center.

Jeffrey, in Rudnick's script, is a gay New York actor (and waiter) who is fearful of AIDS and equally fearful of seeing a loved one die of it; so he abstains. Or tries to. In a gym a handsome type named Steve comes on to him. They kiss, and a romance is about to begin—until Steve reveals that he is HIV-positive. Jeffrey splits.

Most of the picture deals with Jeffrey's attempt to live without sex yet with his attendance at various shows and benefits in aid of AIDS victims while knocking around with two queenly types who have their own troubles. As his sexual straits grow more dire, he even phones his out-of-town parents for advice. (Their response is ribald.) At the last—the final section is titled "When Harry Met Harry"—he and Steve meet again, decide to have safe sex and stay together. In his light way Jeffrey is sounding Faulkner's famous line: "Between grief and nothing I will take grief."

Ashley helps to keep the proceedings nicely zany over the dark base. For instance, the first time that Jeffrey and Steve kiss, the film cuts to a movie theater with two young couples watching the scene we have just watched. The two males are disgusted, the two females are amused. And Ashley lifts the acting tone to the bright and comic. Steven Weber, as Jeffrey, is not the most compelling young actor of our day; but Robert Klein as a talk-show emcee, Patrick Stewart as a flourishing interior decorator, Christine Baranski as a grimly cheerful society hostess at a benefit and Sigourney Weaver as a pseudo guru all sparkle.

The wildest sequence, however, is the one with Nathan Lane as Father Dan, an aggressively gay Catholic priest in a church that Jeffrey visits. (Those who were worried by the gay scenes in *Priest* will disintegrate here.) Father Dan, who tries to make out with Jeffrey, believes that God resides in Broadway musicals. He hangs the interior of his confessional booth with photos of musical comedy stars. I can't say that I know how a liberal Catholic will react to this whole sequence; I can say that, all through it, I kept wondering how a liberal Catholic would react. •

Jed Perl on Art

Absolutely Mondrian

Piet Mondrian used the spare language of an ascetic to shape his overflowing romantic emotions, and it seems that a lot of people are still downright uncomfortable with the unexpectedness of the combination. At the National Gallery in Washington, where a beautifully paced retrospective is up until September 4, the galleries were almost empty when I visited during opening week. Although attendance will undoubtedly increase as time goes on, and the crowds may turn out to be enormous when the show moves to the Museum of Modern Art in New York in the fall, I can't say that that initial trickle of visitors is really a surprise.

It's been half a century since Mondrian, an exile in wartime America, was buried in Cypress Hill Cemetery in Queens, and he's still far from achieving the sort of widespread, undivided loyalty that long ago came to other European moderns such as Van Gogh, Matisse, Picasso and Miró. Abstract art has become almost all too familiar, a popular decorative choice for corporate headquarters, international airports and suburban malls. And the huge public that now regards an abstract painting as a pleasant wall covering is for that very reason sometimes inclined to assume that pure abstraction is anti-feeling, or at least anti-deep feeling. Mondrian is especially vulnerable to this kind of misreading. His work has inspired generations of dumbed-down graphic design, and the stuff lulls people into believing that they know Mondrian better than they do, so that they end up being totally unprepared for the stand-alone individuality and emotional complexity of his unsparing, unsentimental canvases.

While Mondrian found a warm welcome among New York's nascent avant garde in the '40s, even people who counted themselves strong admirers,

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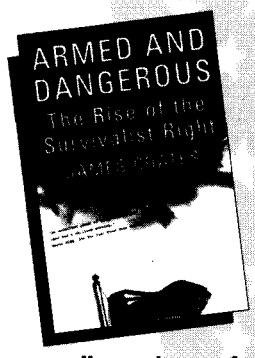

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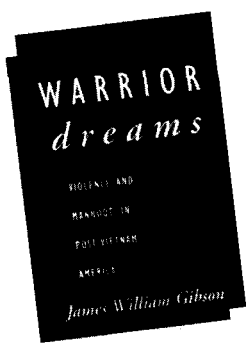

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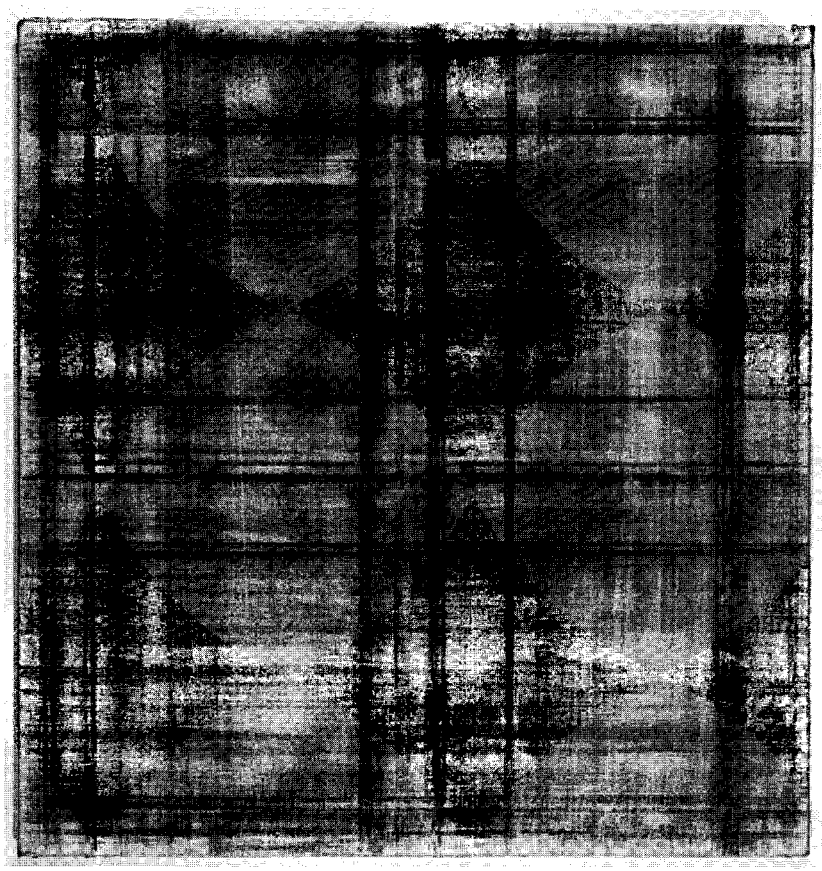
such as Clement Greenberg and Willem de Kooning, were sometimes at pains to explain that Mondrian's way was definitely not theirs. His radicalism was celebrated in America, but for artists wrapped up in the country's extravagant expansive spirit, there may have been too much of an Old World discipline about this master of less-is-more who could turn tropical heat into arctic freeze by deciding to set a yellow rather than a red rectangle in tandem with an area of blue. If Mondrian had done so much with so little, what was left for anybody else? This question isn't the last word on the subject, but it isn't merely rhetorical, either. Although Mondrian's all-or-nothing attitude was a heartfelt response to the dizzy heights that artists had reached in the past, his salute was couched in the form of a critique so thoroughgoing that it left nothing looking quite the same. People are fascinated, but also deep down a little unnerved, by this kind of Olympian artist.

Mondrian's thunderbolts would have struck no matter how this retrospective was arranged. It's the show itself that's a huge surprise. This retrospective—which is a collaboration between the Haags Gemeentemuseum in The Hague, the National Gallery and the Museum of Modern Art—is a rare case of curatorial courage. The organizers have bucked the current trend toward mind-numbing inclusiveness in favor of a dramatically stripped-down selection. And it's a real achievement, because it brings out the inner dynamics of the artist's imaginative life. All honors go to the big curatorial team, which is headed by Angelica Zander Rudenstine at the National Gallery and includes Yve-Alain Bois, Joop Joosten, Hans Janssen and John Elderfield. They have done exactly what they set out to do, which, as they explain in the introduction, is to follow "Mondrian's own view of his career."

The artists who burst into pure abstraction in the years after 1910—including, along with Mondrian, Robert and Sonia Delaunay, Kandinsky and Malevich—thought of what they were doing as exemplifying a new vision, a new reality, and that visionary glow still shines forth from their finest paintings. Early enthusiasts were glad to praise the work for being like nothing else on earth, but as time went on and the abstract revolution became a matter of record, what was often emphasized was the rootedness of abstract art in earlier art. This wasn't a misreading of events. The line that runs from nineteenth-century naturalism to the expressionist distortions of post-impressionism and right through fauvism and cubism to non-objectivity is one of the most thrilling evolutionary passages in the history of art.



COMPOSITION (UNFINISHED) BY PIET MONDRIAN, C. 1938-1940

A close examination of this evolutionary process can help people grasp the imaginative leaps that are the essence of creativity. But an emphasis on historical cause-and-effect can also let people who are essentially uncomfortable with non-objectivity off the hook by giving them a how-to manual that makes unfamiliar work look more familiar than it really is. In recent years, as art criticism has lost touch with studio practice and the art historians have been looking for iconography in all the wrong places, there's been a tendency to explain away the leap-into-the-unknown drama of abstract art. And the fixation with psychobiography and cultural anthropology that has swept academia has been used to demonstrate that Mondrian's paintings—and a lot of other nonobjective canvases—are puzzle pictures that will turn out to be landscapes or Theosophical treatises or who knows what, if only some scholar can find the key. (And if the key doesn't fit the lock, they just break down the door.)

What's astonishing about this show is that the organizers have swept away the psychobabble and symbolism and fin-de-siècle nostalgia that have been choking Mondrian's reputation. What, they must have asked themselves, is the point of contextualizing and historicizing an artist who believed that truth was in the absolutes? In a sense it's a return to an older view of Mondrian—to the good old Mondrian, if you will. The show doesn't deny Mondrian's beginnings, but it confronts squarely the fact that this artist who was born in 1872 didn't figure out what kind of an artist he was until he was 40 years old. Something like half of his total output comes from what were essentially his long apprentice years, and by sweeping aside almost all of this naturalistic and symbolist work, the organizers have released Mondrian from his often deft but essentially conventional earlier self. The result is a retrospective that's so satisfyingly put together that whole rooms take on something of Mondrian's ravishing, intricate-yet-succinct harmony.

"Fast-forward" is the title of the first section of Yve-Alain Bois's catalog essay, and it reads like a blueprint for the show. Bois, who teaches at Harvard, may well be the member of the exhibition team who had the intellectual forcefulness to cut through all the interpretive nonsense, but he's also captivated by his own kind of postmodern hooey. He's written a very strange essay. Bois lets Mondrian's magic work on him—the show's the proof of that—but he can't accept the evidence of his eyes. He has no trouble getting into the rhythms of Mondrian's

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development, and he sees individual masterpieces with perfect clarity. So far so good. Then some kind of end-of-art mindset comes into play, so that he feels compelled to insist that Mondrian's pure painting is a sort of anti-painting. "At the end of 1920," he writes, Mondrian "reclaims the classical art of composition, proceeding, over the next twenty years, to destroy, on its own turf, its very foundations." Although this does a neat job of placing Mondrian in an evolutionary line that leads straight to the theme-of-the-week kitsch video of 1995, it has nothing to do with Mondrian's radical classicism.

I'd describe Bois as a nihilistic formalist. Maybe some of the other members of the curatorial team don't go for Bois's apocalyptic modernism, but whatever differences of opinion that I have with the organizers, or that they have with one another, there's no question that this show is based on a heartfelt response to the paintings. If there are disagreements, they stem from a fundamental agreement about Mondrian's impact. From the minute I walked into this show I felt in sync with the conception that I saw on the walls. Through the carefully pared-down selection of early work in the first two galleries, the curators have done exactly what they need to do, which is to suggest how Mondrian learned to open up the canvas through his study of landscape conventions and then articulate the surface with an end-to-end patterning that had its origins in the angular jugendstil of fin-de-siècle Holland.

Jugendstil is the geometricized, harder-edged form that art nouveau took in various countries including Holland, where even visual fantasy is expected to have its strict, carpentered side; and everybody has always known that it had something to do with how Mondrian became himself. These beginnings aren't belabored, though, because this show is about leaping in, with both feet at once, and that's a terrific way to look at Mondrian, who doesn't really want us to feel anything but all-in-one, here-and-now immediacy. The unsuspected bonuses of the fast-forward approach come later on, because when the cloying decorativeness of jugendstil isn't overemphasized, we aren't turned off to it, and we can see how, enlarged through the experience of cubism, it becomes a leitmotif in a good way in the later work.

Before any of that could happen, however, Mondrian had to move to Paris, which he did in 1912. There he jump-started his Dutchness, shot it into the twentieth century. Matisse, Picasso and Braque had already brought about

ART SCENES *Galleries, Exhibits, and Events*

Terry Dintenfass Gallery 50 West 57th Street, NYC, 10019, 212-581-2268. 20th Century American Art. Summer hours: Monday through Fridays 10:00-5:30 pm. Current exhibition through July, Robert Andrew Parker "Words and Pictures: A Thirty Year Retrospective of Watercolors and Works on Paper." Also on view are works by Will Barnet, Bret Bigbee, Arthur Dove, Philip Evergood, Antonio Frasconi, Sidney Goodman, William King, Jacob Lawrence, Nina Levy and Horace Pippin.

Swann Galleries 104 East 25th Street, NYC, 10010 212-254-4710. AUCTIONS: August 2: Annual Summer Poster sale including American, English, French, Italian, Dutch, German, and Russian works with emphasis on Belle Epoch, Art Nouveau, Art Deco, Travel, British Rail, Automobiles, and Literary posters. Please call for preview hours, newsletter with full auction schedule, and to order catalogues with absentee bid forms.

E.M. Donahue 560 Broadway, #304, NYC, 10012, 212-226-1111. Tuesday through Saturday, 10-6. *The Sensual World*: Avi Adler, Vanessa Haney, Nachume Miller, Robin Otterback. "The thoughtfulness behind these compositions and their visual clarity testify to the sophisticated intellect and assuredness of artists who have struggled to achieve them." June 8 through July 14. *Jinny Rembert: Hudson River Reverie*. Hand-painted manipulated photographs. July 7 through July 28.

Mimi Ferzt Gallery 114 Prince Street, NYC, 10012, 212-343-9377. Monday-Sunday, 11 a.m.-6 p.m. Mihail Chemiakin, *Bronze*, June 23-July 22. Retrospective of Chemiakin's bronze sculpture ranging from 1964 to 1995. On view are 30 works including wall relief, figurative sculptures and two monumental bronze sculptures that will be presented in the Hermitage Museum Exhibition in October 1995. Month of August, group show of Russian contemporary artists.

Forum Gallery 745 Fifth Avenue at 57th Street, NYC, 10151, 212-355-4545. Summer Hours (June-August): Monday-Friday 10am-5:30 pm. NEW LOOKS: RECENT CONTEMPORARY FIGURATIVE PAINTING AND SCULPTURE: Presents current work by prominent figurative artists William Beckman, Kent Bellows, Cesar Galicia, Gregory Gillespie, Carlo Maria Mariani, Scott Prior, Laura Ziegler, and others.

Anita Shapolsky Gallery 99 Spring Street, NYC, 212-334-9755. Summer hours: Tuesday to Thursday, 11:00-6:00. Gallery I: Cicely Aikman, Anne Arnold, Elise Asher, Anne Ayvaliotis, Pamela Berkeley, Bob Brooks, Cynthia Carlson, Jack Cesareo, Jean Cohen, Janet Culbertson, Pat deGroot, Lois Dodd, Ed Gamble, Susan Gardner, Joellen Hall, Cynthia Hyde, Frances Hynes, Janice Kasper, Irving Kriesberg, Ann Kronenberg, Louise Kruger Gerson Lieber, Steven Pace, Darragh Park, Christy Rupp, Jehan Shahly, Shirley Smith, Barbara Sullivan, Stella Waitzkin, Anne Weber, Roger Winter, John Wisseman. Gallery II: Ora Lerman, *Inside the Ark*. June 9 through September 23.

Matthew Marks Gallery 1018 Madison Avenue, NYC, 212-861-9455. Tuesday through Saturday, 10-5:30. *Summer Group Exhibition*. July 6 through August 31. Matthew Marks Gallery at 522 West 22nd Street, NYC 212-243-1650. Tuesday through Saturday, 10-5:30. *Summer Group Exhibition*. July 6 through July 28.

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the first fundamental revolution in art in 500 years, replacing the essential idea that the surface of the painting was a window or a mirror onto a world much like ours with the idea that the surface of the painting was a world unto itself. In his quiet, purposeful, step-by-step way, Mondrian went wild with that idea. This show, room by room, is about the opening up and expansion of a two-dimensional universe, and on a first go-through I found myself moving fast, wanting to take in all the possibilities that Mondrian saw: the delicate Cubist traceries; the unapologetically experimental checkerboards; the first primary-colored *Composition No. VI* of 1920; a bevy of diamond-shaped canvases (hung, wonderfully, high on the wall); the small, delicate compositions of 1932; and the heavier, almost overwrought paintings of the early '40s.

Mondrian had a razor-sharp intellect and a penetrating view of the dialectics of art history, and he wrote some of the best art theory to appear since Alberti was responding to the shock waves of the Renaissance. But if you admire these paintings you see that before anything else they are the work of a man who was smitten with the fantasy-appeal of simplicity, with the pure exuberant loveliness of a world reduced to primary-colored building blocks. Childlike simplicity is a theme that runs through modern art (and literature and music), and no artist presents it in a more daringly elementary form than Mondrian. Whereas Klee and Kandinsky are interested in the narrative fantasies that spin through a child's mind, Mondrian's great inventions seem to come out of his re-imagining of our first discovery of space. Mondrian's is a universe in which all experience is ground-zero experience: up and down, left and right, like and unlike, color against color, line against line.

In what is perhaps his finest essay, "Plastic Art and Pure Plastic Art" (1937), Mondrian argues that the emotion in all art is grounded in the dynamic interaction of formal elements. He says that even figurative art, meaning all art since the Renaissance, reflects "the desire, objectively to represent beauty, solely through form and color, in mutually balanced relations." He believes that any work of art has both a universal or objective dimension and a more personal or subjective dimension. What you might call the representationalness of representational art—a particular smile, the tilt of a head—is obviously personal and subjective; but Mondrian makes the point that even abstract art has a personal and subjective dimension, which in his case has to do with the particularity of his choices of rectangles and colors. Mondrian strips down the particular, however, so that what he sees as the essential double drama in all art—universal versus particular; dynamic pressures within universal expression—zooms to the fore. Feeling, he contends, emerges from the very fact that the work is "produced, constructed." "One must create as objective as possible a representation of forms and relations," he writes. "Such work can never be empty because the opposition of its constructive elements and its execution arouse emotion." In his mature paintings, Mondrian was going back to principles that were so basic that nobody had ever really dealt with them before.

There are other unforgettable purists in twentieth-century art, but an Arp or a Malevich isn't really capable of expressing more than two or three emotions. There's nothing that Mondrian doesn't express between 1932 and 1944, whether it's serenity and delicacy, weight and speed, or mystery, anxiety, chaos. And he can at times include more than one of these qualities or emotions in the same ultra-pared-down painting. These paintings benefit hugely from being seen in large numbers. It's not that they can't stand on their own, but when they're grouped together the singular vocabulary becomes the whole world. The strangeness vanishes, and all the nuances come to the fore. Mondrian had been working in his Neoplastic style, with its verticals and horizontals, its black and white and primary red, yellow, blue, since 1920, but during much of the '20s he was not yet up to full power; there are too many ambiguous blue-grays and too many lines that end short of the canvas edge and give a fussy, spiky look. It's in the late '20s, when the paintings have no more than three or four black lines and two or three color areas, that he at last arrives. He's in his mid-50s.

Intervals had never before meant this much to a painter. The slightest shift in the location of a line, or its thickness, or the size of the rectangle of color that it encloses, has earthshaking implications. Diagonally adjacent colors are mysteriously intimate, while the same colors, if separated by an emptiness of white, become alien realms, kingdoms unknown to one another. An overbearing red rectangle and a tiny elongated sliver of yellow live in a jumpy, almost comic tension. Although it's difficult to describe these paintings without reverting to metaphor, the headiness of the experience of looking at a Mondrian has to do with being immersed in emotions that have no content, in feeling for its own sake. In the single most amazing room in Washington, there's a series of small, square paintings from 1932 that present variations on the same light but steely architecture. Essentially, each of these works contains five lines and two color shapes, but the interrelationships are so idiomatic and urgent and yet somehow inevitable that it's as if in each variation we're seeing an entire universe fall into place. These paintings have some of the macro-micro mystery that we know from similarly sized easel paintings by Chardin and Cézanne.

The galleries that cover the late '20s and early '30s are like visions of Parnassus, saturated with blue-and-white light. Here Mondrian is the most unaffected purist in the history of art, and it's easy to feel that we're dealing with definitive statements, that there's nowhere else that Mondrian can go. But at this point the surprises that he has in store for us, and for himself, have only really begun. In what is maybe the most dramatic reversal in the entire history of twentieth-century art, this artist who has at last achieved an astonishing high, Ionic classicism begins to reverse direction and move toward ambiguity, paradox, redundancy. By 1942 the blues that flooded forward a decade earlier are imprisoned in mad labyrinths of lines, lines that in some paintings turn red and yellow, and then, in an ultimate startling development, begin to overlap. It's chaos in Mondrian's terms, an extraordinary response to the European cataclysm that sent him from Paris to London and finally New York. Next to the coolly tragic entanglements of late Mondrian, Picasso's *Guernica* is a potboiler.

Not all the late paintings are equally successful. Some of them were worked on for years and feel overcalculated, so that the incidents fail to cohere. But the great late paintings are also all in some way about the allure of ambiguity, an idea certainly unexpected in Mondrian. Small bands or rectangles of red or yellow, trapped near the edges of paintings whose interior action is predominantly black and white, become fascinating, exotic events going on in faraway places. Decades after jugendstil had been a graphic-design vogue, it achieved profundity in Mondrian's elaborate lattices of black lines, which are an old man's recollections of the decorative style of his faraway youth. And although we ought not to make too much of the titles of some of these paintings (*Place de la Concorde*, *Trafalgar Square*), it's impossible not to believe that in some way Mondrian is accepting the world back into his work.

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In the paintings of the last five years, different things are always going on at the same time; one might say that they're abstractly naturalistic. *Broadway Boogie Woogie* (which is being shown only in New York) is the culmination of this development. Here Mondrian's dominant white retreats and a bright, jazzy jangle of reds and yellows floods forward. The old dependable black lines are replaced by bands that are "mosaicked" with colored rectangles. There's a devolution or atomization of lines into points that gives the surface a marvelous, all-over animation. But Mondrian is still a classicist who dislikes flux for its own sake, and so part of the point of this dizziness is that out of it emerge a dozen or so poignantly unique events. These images—a yellow rectangle on a blue one just left of center, or a red one that nearly touches the bottom edge of the canvas—are unforgettable moments set amid a constantly changing scene. They're freeze-frames in the flux. By the time that Mondrian finished this syncopated, loopily jumpy picture in 1943, the stylistic shifts that he'd gone through in a period of less than a decade were nothing short of epochal—as dramatic as the move in early sixteenth-century Italian art from High Renaissance fluidity to Mannerist convolution.

Visitors to the Mondrian show will not be able to overlook, I think, the sorry state of a number of the paintings, nor should they. The beautiful rectangles of pure white are often yellowed, and they, together with the areas of red and yellow and blue, are sometimes disfigured by cracks or by ruptures and convexities that turn these surfaces into something out of the post-war work of Lucio Fontana. Restoration can deal with some of this, and the catalog is admirable in that it notes, case by case, how and when the paintings have been conserved. Mondrian was a conscientious craftsman, but he was inventing a way of painting for which traditional oil paint technology proved inadequate. Oil technique is based on the overlapping of translucent layers, which if properly applied ultimately create a strong, homogeneous surface. Mondrian's method, which was improvisation based on the superimposition of thick, opaque layers of paint, worked against the nature of oil paint, and this led to uneven drying, cracking, deterioration.

If Mondrian had lived longer, this experimentalist who began to use colored paper tape as a method of working out his compositions after he arrived in America, would most likely have taken to acrylic paint, a new technology in keeping with his radical aesthetic. The sorry state of some of Mondrian's surfaces is related to the historical process of which he was a part: it could be said that acrylic was invented to fill the needs of the kind of painter that Mondrian had become. But the deterioration of some surfaces should not lead anybody to imagine that they're better off seeing these paintings in sleek color reproductions.

Mondrian was an artist who expressed himself through his medium, and in the paintings where time has not taken too great a toll, it's easy to get caught up in the delicacy and even the spontaneity of the painting. The painthandling changes, from canvas to canvas, from year to year. The size and character of the brushstrokes is adjusted to fit the particular size and internal scale of the painting. In the smaller paintings of the early '30s the surface is sometimes quite smooth; in the large canvases of the '40s the painthandling can be almost voluptuous. And Mondrian does not paint in straight lines. There's a snakiness to his strokes, and it's part of what gives a body, an animation, a weight to these eye-filling planar paintings.

All of this is easy to see in the big, serene spaces at the National Gallery. It's a first-class installation. I'm glad that Mondrian, who found a safe haven in

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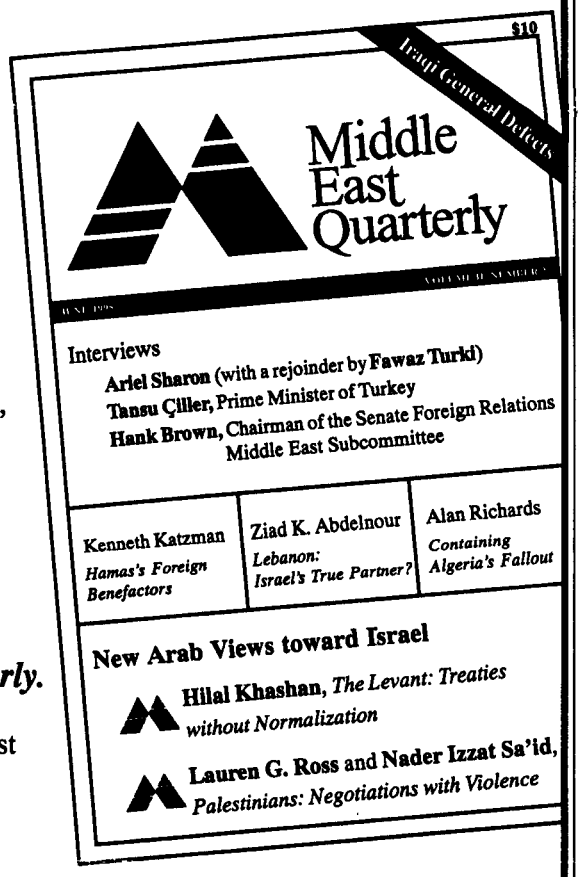
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America, is the occasion for the merger of elitist idealism and populist expansiveness that's implied in seeing this uncompromising show in our tourist-friendly national museum of art. The National Gallery, a museum in an official city, has a slight impersonality, but this works for Mondrian, because it emphasizes his internal heat. The show will look different in New York City in the fall, where the smaller-sized galleries at the Museum of Modern Art are just one element in an urban pressure cooker that gives everything a keyed-up, strobe-lit, ideological feel. Then again, there's a homecoming warmth about seeing Mondrian in Manhattan, for this retrospective that originated in Holland where he was born will be closing in the city where he spent his last and perhaps happiest years. Adding to the sense of closure will be the addition of the penultimate and ultimate paintings, *Broadway Boogie Woogie* and *Victory Boogie Woogie*, which do not, on account of their fragile condition, any longer leave the city where they were born.

Mondrian responded to the restlessness of Manhattan, and it's reflected in the running-hot-and-cold, multi-directional power of *Broadway Boogie Woogie*. This salute to the city went into the Modern's collection shortly after it was finished in 1943, only a matter of months before Mondrian died. New York appealed to an artist who, as he told James Johnson Sweeney, the organizer of a memorial show at the Modern in 1945, had been "willing to give up everything for art." That sounds like a rather old-fashioned romantic pose, but Mondrian brought it all the way into the twentieth century by making it, quite literally, the subject of his art. By the time that Mondrian had arrived in New York in 1940, the giving-up was behind him, and in the city where everybody seemed to have a story about what they'd left behind, Mondrian made new, exciting acquisitions. The rolls of colored sticky paper tape, manufactured by Dennison, crisscrossed and piled up on his paintings; left in place on the last, unfinished *Victory Boogie Woogie*, that paper tape is an emblem of expanding possibilities. Mondrian had given up everything, but he'd gotten everything back, and then some. •

Untruth and Consequences

BY RICHARD RORTY

Killing Time: The Autobiography of Paul Feyerabend

(University of Chicago Press, 192 pp., $22.95)

I.

Paul Feyerabend, who died in 1994 at the age of 70, was the Norman Mailer of philosophy. Like Mailer, he was a soldier in World War II (but on the wrong side). Feyerabend, too, was brilliant, brave, adventurous, original and quirky. Both liked to shock: Mailer used to say that we face a choice between cancer and homosexuality, Feyerabend once tried to put modern medicine and voodoo on an epistemological par. And there are other resemblances. Feyerabend was an exuberant political radical, but nobody could pin down his political views. He was a celebrated womanizer (even though, as this autobiography reveals, he never experienced sexual intercourse, having been rendered impotent at 21 by a bullet that pierced his spinal cord and left him on crutches, and in almost constant pain, for the rest of his life). His life was disorganized, and he sometimes treated his wives, lovers and colleagues very badly indeed. Feyerabend remains a hero to a sizable minority of philosophers, but the majority think of him as having had too little self-discipline to fulfill his early promise.

For some forty years, Feyerabend played a conspicuous role in the big battle that the philosophers of the twentieth century have been fighting: the battle between those who, like Frege and Husserl, want philosophy to be an autonomous, ahistorical discipline that discerns ineluctable formal structures of reality, experience or language, and those who, like Heidegger and Dewey, think that cutting philosophy loose from history will produce only sterile scholasticism. Feyerabend came on the philosophical scene in the 1950s. In the English-speaking world, formalism and ahistoricism were in the ascendant. Even in his first publications he took the unfashionable, historicist, anti-formalist side of the argument. By now the pendulum of philosophical opinion has swung back toward that side, thanks partly to his work.

Feyerabend started writing articles in philosophy of science at a time when a great many philosophers agreed with Willard van Orman Quine (then, as now, the hero of analytic philosophy in the United States) that "philosophy of science is philosophy enough." Logical empiricism, the kind of philosophy that Quine helped import from Europe, took for granted that the search for scientific truth is humanity at its best. For Quine, as for most analytic philosophers, there is no more pejorative epithet than "anti-science." That epithet was hurled at Feyerabend almost as soon as he began to publish.

The logical empiricist revolution in philosophy, which took place in American philosophy departments between 1945 and 1960, was a scientistic revolution. The revolutionaries believed that what C. P. Snow was soon to stigmatize as "the literary culture" is inherently anti-democratic, elitist and dangerous. They thought that the future of philosophy, and perhaps of liberal democratic society as well, depended on overcoming metaphysics—on debunking the kind of bold, sweeping philosophical system-building that attracts poets such as Yeats (who was thrilled by Plotinus) and novelists such as Proust (who borrowed a lot from Bergson). Philosophers, they were convinced, must try to give Snow's "scientific culture" the precedence and the predominance that it deserved. As late as 1980, Clark Glymour, a respected philosopher of science, could begin his *Theory and Evidence* with this sentence: "If it is true that there are but two kinds of people—the logical positivists and the god-damned English professors—then I suppose I am a logical positivist." ("Logical positivism" is a rough synonym for "logical empiricism.")

Quine was a student of Rudolf Carnap, who first became famous as the author of a polemic against Heidegger called "Overcoming Metaphysics Through the Logical Analysis of Language." That essay was the principal inspiration for the most important manifesto of logical empiricism, A. J. Ayer's *Language, Truth and Logic*. Carnap, Ernst Reichenbach and Carl Hempel were the most prominent of the philosophers of science who were driven out of Berlin and Vienna by Hitler, and who (despite considerable suspicion, and occasional surliness, on the part of the indigenous

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Old Guard) gradually rose to commanding positions in American philosophy departments in the fifteen years after the close of the war.

These justly revered pioneers of analytic philosophy believed that philosophy in the manner of Hegel and Heidegger—speculative philosophy, which proclaims rather than argues, and which treats natural science with disdain—had been a cultural and political disaster. Heidegger's enthusiastic Nazism only confirmed suspicions that they had already formed. The elucidation of scientific research, of "the logic of scientific inquiry," seemed to them not only to be the central task of philosophy, but to meet pressing moral and sociopolitical needs. Books such as Reichenbach's *The Rise of Scientific Philosophy* and Karl Popper's *The Open Society and Its Enemies* and *The Logic of Scientific Discovery* convinced several generations of English-speaking philosophers that the replacement of metaphysics and speculation by scientific habits of philosophical thought was not just one more tempest in an academic teapot, but an important contribution to healthy, democratic, intellectual life.

On the Carnapian account of science, scientific inquiry has an inherent logic that philosophy of science must make explicit and imitable. There are discernible patterns of inference that connect reports of observation and of the results of experiment with scientific theories. These patterns permit scientists to reason more perspicuously than anybody else. They are better able to agree on what counts as relevant evidence, and on what counts as a decisive objection to a belief. It is easy to figure out what scientists are saying, once you master their technical language, and easy to decide whether they are justified in what they say. There is no rhetoric, no fuzziness, no evasiveness. We should all think and reason as they do. We should all study logic and the philosophy of science, because doing so makes for clear and responsible thinking, and therefore for civility, mutual understanding and democratic politics.

For most of Carnap's and Hempel's students, the clarification of "the logic of science" was, indeed, philosophy enough. For it was the way to accomplish philosophy's oldest objective: to make human beings wiser and morally better. These students viewed their teachers as moral heroes as well as innovative thinkers. By 1962, graduate students in American philosophy departments had to pass a Ph.D. qualifying exam in logic and the philosophy of science. The history of philosophy began to lose its central place in their training (a place it still retains in France and Germany), and philosophy of science began moving into the space left vacant. That sub-discipline seemed to everybody to have a great future—even to Thomas Kuhn when, in 1962, he published *The Structure of Scientific Revolutions.*

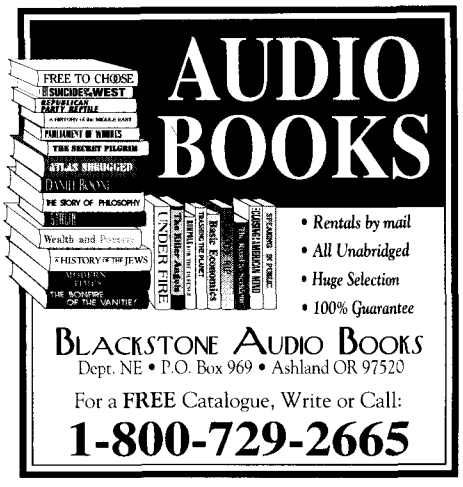
To its author's and everyone else's surprise, *The Structure of Scientific Revolutions* proved to be the most influential English-language philosophy book of the last half-century. It sold the most copies, made the greatest difference to our ways of thinking, and was the subject of the most intense and complex debates. Kuhn's book marked the beginning of the end of logical empiricism. It made it possible for Feyerabend, in 1970, to title an article "Philosophy of Science: A Subject with a Great Past." Its effect was to begin nudging science off the pedestal on which Hempel and Carnap had placed it. People began to wonder whether scientists (particularly in revolutionary periods like the seventeenth century, when the battle between Aristotelians and Galileans had put the paradigm of scientific explanation up for grabs) really were as different from politicians as Carnap had suggested they were, whether there really were nice clear patterns of inference that allowed scientific theories to be validated by neutral fact.

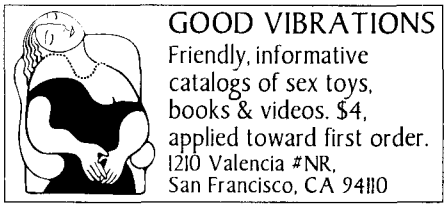
Kuhn's book, and Feyerabend's contemporaneous articles, claimed that choosing between competing scientific theories was considerably messier, considerably less "logical," than the logical empiricists had made it out to be. "Does it really help," Kuhn asked,

> to imagine that there is some one full, objective, true account of nature and that the proper measure of achievement is the extent to which it brings us closer to this goal? If we can learn to ubstitute evolution-from-what-we-do-know for evolution-toward-what-we-wish-to-know, a number of vexing problems may disappear in the process.

Kuhn's argument that theory-change in the natural sciences proceeds in the same hit-or-miss, problem-solving, non-goal-directed way as does biological evolution suggested that the development of Western scientific thought may have been no more, if no less, "logical" than that of Western political thought.

So did Feyerabend's claim that "successful research does not obey general standards; it relies now on one trick, now on another, and the moves that advance it are not always known to the movers."

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But Feyerabend went on to say something that Kuhn refrained from saying: "I assert that there exist no 'objective' reasons for preferring science and Western rationalism to other traditions." Not content with this offense to common sense, he offended his colleagues by saying things like this: "Pre-Kuhnian positivism was infantile, but relatively clear (this includes Popper who is just a tiny puff of hot air in the positivistic teacup). Post-Kuhnian positivism has remained infantile—but is also very unclear." A lot of Popperians are still not willing to forgive Feyerabend for ridiculing the master. A lot of other philosophers will never forgive him for suggesting that the choice between Galileo and the Inquisition was a choice between different cultural traditions rather than between Truth and Superstition.

In the wake of Kuhn's even-tempered books and Feyerabend's caustic and provocative ones, philosophy of science was shoved out of the center of analytic philosophy. It has been, if not marginalized, firmly demoted. The claim that all inquiry should make itself "scientific" is now rarely heard. Physics-envy is far less widespread than it was in the '50s. Nowadays most students of science would agree with Feyerabend that "what we must do is to replace the beautiful but useless formal castles in the air by a detailed study of primary sources in the history of science."

The popularity of *The Structure of Scientific Revolutions*—a book that, unlike any of Feyerabend's, is well-organized and eminently teachable—has made it convenient to refer to this shift in philosophical thinking about science as "the Kuhnian revolution." But in the '60s and '70s, Kuhn and Feyerabend were treated as co-leaders of the revolution, co-propounders of the crucial doctrine that undermined the Carnap-Hempel picture of "the logic of science": the thesis of the theory-ladenness of observation. This thesis cast doubt on what Feyerabend derisively called the "layer-cake" view of science, the view according to which inference starts from a layer of raw, empirically given, neutral data and works up to a choice between theories.

To say that observation is theory-laden is to say that there are no raw data. All perception is conditioned by the previous beliefs and desires of the perceiver. This point had been made, and used to criticize Carnapian orthodoxy, by Stephen Toulmin and Norwood Russell Hanson, who were influenced by Wittgenstein's later, anti-empiricist writings, and by Quine's famous claim that "the unit of empirical significance is [not individual reports of observations but] the whole of science." But Kuhn guardedly, and Feyerabend unguardedly, inferred more radical conclusions from that point. As the '60s wore on, doubts about the distinction between data and theory snowballed; it gradually became clear that Hempel and Carnap, and even Quine, had put too many of their eggs in the empiricist basket.

As a result of this retreat from logical empiricism, defenders of the scientific culture against the literary culture began to fall back on praise for scientists' moral virtues (their lack of dogmatism, their willingness to be persuaded by new evidence) rather than on claims that scientists are in closer touch with experience or reality than other people. Most praise of scientists nowadays is indirect, and dwells on the deficiencies of non-scientists. Such praise no longer points with pride to science's epistemologically or metaphysically privileged position. Instead, the moral vices of the post-modernized English professors are viewed with alarm: their cavalier dogmatism, their inattention to demands for evidence.

When the history of this latest pendulum swing in philosophy is written, how large a role will Feyerabend be found to have played? It is hard to say, as hard as it is to establish the role that Charles Sanders Peirce played in the development of pragmatism. Feyerabend was the first to say, forcefully and explicitly, a lot of important things that are now conventional philosophical wisdom. Peirce was the first to say other such things. But much of Peirce's writing is, as William James despairingly said, "flashes of light against Cimmerian darkness." Feyerabend's writings are a lot like Peirce's. When you pick up one of Feyerabend's books, you often feel baffled by curt, confusing, not quite convincing, arguments for what seem unnecessarily overstated conclusions. To make things worse, these arguments are often hard to filter out from some very technical physics and some very detailed (and, one sometimes feels, slanted) stories from the history of science.

Just as James learned a lot from Peirce while sensibly refraining from glossing him in any detail, so leading contemporary philosophers of science learned a lot from Feyerabend but would not wish to try to reconstruct his arguments. For neither Peirce nor Feyerabend ever really got his act together. The writings of both are full of good ideas, and will probably continue to be mined. But most of us will continue to assign James and Dewey rather than Peirce when inculcating pragmatism, and Kuhn and Wittgenstein rather than Feyerabend when explaining what was wrong with logical empiricism.

II.

In this autobiography, written at the very end of his life, Feyerabend comes pretty close to admitting that his writings are (as he says of his most famous book, *Against Method*) "collages" rather than sustained arguments. But he makes clear that he does not much care about that, and has no great regrets. What he does regret, occasionally, is having spent more time on philosophy than it deserved. He thinks that most of his philosophical colleagues take their discipline too seriously, and he prides himself on taking it no more or less seriously than he took the exercise of his other principal talent—his voice. He had a world-class alto, he tells us, and took singing lessons throughout his life. "Readers who know only intellectual joys," he says, "can hardly imagine the pleasure derived from using a well-trained voice that has power as well as beauty."

Although this autobiography would have few readers if Feyerabend had not been a famous philosopher, there is relatively little about philosophy in it. It is likely to be read, with fascination and perhaps with profit, by people who do not know or care much about the subject. They will read it as the story of a Nazi officer who decided, forty-odd years after the end of World War II, to write an autobiography "mainly to recall my time in the German army and the way I had experienced national socialism."

He wanted to do this, he says, because very late in life he became a different person. After meeting his fourth wife, Grazia Borrini Feyerabend, he "discovered what it means to love someone." "The long days with Grazia," he claims, "turned me from an icy egotist into a friend, a companion, a husband." The experience of loving, he says, made it possible for him for the first time to "feel, to a small degree, what it meant to be branded as an outcast," as the Jews were by the Nazis. His desire to recall his time in the army came to him only after he stopped being an icy egotist, and only after he happened to see a movie about anti-Semitism.

Feyerabend's account of his early life is frank, honest, brief and rather too laconic. "During the Nazi period," he sums up, "I paid little attention to the general talk about Jews, communism, the Bolshevik threat; I did not accept it; I

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did not oppose it; the words came and went, apparently without effect." When his Jewish neighbors in Vienna disappeared one by one, he tells us, "it never occurred to me to inquire further; the idea that the fate of every single human being was in some way connected with my own existence was entirely outside my field of vision."

The result of Feyerabend's eventually glimpsing this idea is not, as one might expect, an upsurge of contrition, but rather the reflection that

> I certainly cannot undo my wavering and unconcern during the Nazi period. Nor do I think that I can be blamed or held responsible for my behavior. Responsibility assumes that we know the alternatives, that we know how to choose among them, and that we use this knowledge to push them aside through cowardice, opportunism, or ideological fervor. But I can report what I thought and did, what I think about these thoughts and actions today, and why I changed.

Read in isolation, this seems a shocking evasion of responsibility. But Feyerabend has a point. As usual, however, he overstates it, and writes in order to shock rather than to convince. *Of course* he can be blamed and held responsible. But what he can be blamed for, he can plausibly claim, is not ill will, but ignorance of alternatives, lack of imagination, failure to notice, self-absorption, icy egotism.

Vice, Socrates argued, is ignorance. No, Kant replied, it is having an evil will, one that closes its ears to the voice of conscience, a voice that speaks to every human being, issuing commands of which none of us can claim ignorance. In his memoir Feyerabend is restating Socrates's side of the argument. The good point that he could have made, had he been less interested in shocking his readers, is the one he makes a bit further on:

> a moral character cannot be created by argument, "education," or an act of will. It cannot be created by any kind of planned action, whether scientific, moral, or religious. Like true love, it is a gift, not an achievement. It depends on accidents such as parental affection, some kind of stability, friendship, and—following therefrom—on a delicate balance between self-confidence and a concern for others.

Some lucky Germans in the days of Hitler had a good moral character, as did some lucky Virginians in the days of slavery. The unlucky ones took the suffering that surrounded them as "just the way things are." So we blame them, as we blame Feyerabend. For these unlucky people, the only human beings whose fate was connected with their own were those like themselves, in being Aryan or being white.

We are right to blame them for this, but we would be wrong to deny Feyerabend's thesis that whether one is raised an anti-Semite or not, or raised to notice the suffering of lots of different sorts of people rather than just a few, is a matter of chance rather than of choice. What one perceives is, as the anti-empiricist philosophers of science insisted, a function of one's beliefs and desires. And so is what one does not perceive. Feyerabend did not perceive what was being done to his Jewish neighbors because he had had the bad luck to be brought up with certain beliefs and desires. He eventually did perceive what had happened, because he had the good luck to marry a certain woman and see a certain movie.

Anybody who restates Socrates's side of the argument will be accused, by those who favor Kant's side, of destroying moral agency by reducing moral character to the chance product of genes, acculturation and a host of other determining causes. Anybody who restates Kant's side of the argument will be accused, by people who accept Darwin's account of how we got here, of introducing mysterious, metaphysical, immaterial, evolutionarily inexplicable entities called "conscience" and "will" into the human organism. Socrates thought that bad character—ignorance of the Good—could be explained by the accidents of our biology or our life-history (being a woman or a slave, for example, and consequently unable to sit around the palestra listening to Socrates). Darwinians and Freudians think that it can be explained by accidents that keep us ignorant that "every single human being is connected to our own existence." Such accidents include having the wrong genes, the wrong parents, the wrong education or the wrong companions.

The worst way to formulate the issue between Socrates and Kant is to ask whether free will can have wriggle room in a universe made out of physical particles. That way madness lies, or at least the silly sort of philosophy that makes the possibility of moral agency depend upon recent discoveries in quantum physics. A better way was suggested by Sartre, in his discussion of "bad faith." Sartre said that we are doomed constantly to oscillate between treating ourselves as determined (when we explain our past actions) and treating ourselves as free (when we decide what to do next, and whether we like or dislike our past selves). He warned that we fall into bad faith when we confuse explanation with justification (as Feyerabend does) and say that our present selves are not responsible for our past selves, or that our past selves were helpless puppets of external causal powers. But, he added, we fall into equally bad faith (and often into religious or political fanaticism) when, with Kant, we pretend that we are, like God, able to rise above accident and luck, when we think of ourselves as possessed of a biologically and historically inexplicable knowledge of the Right.

In this respect Sartre was pretty close to Hume, who said that we have to treat ourselves as responsible and blamable when we think of ourselves as members of a moral community, and as determined by causal forces when we try to figure out how to make ourselves—and, more important, our children—better people. Hume did not think that either way of thinking conflicted with the other. For him, it made perfectly good sense to hold people responsible for what they had been causally necessitated to do. Duress (having a gun at your head) may excuse a vile action, but your genes and your education do not.

This is not because threats have greater power to necessitate than education, but because social life demands that both law and common sense distinguish between causes of actions (or inactions) that are excuses and causes that are not. Neither theology nor philosophy nor science can do much to refine or to rigidify this distinction, but social prudence can. Building a moral community, a community of reciprocal trust, is one task. Retrospective causal explanation (including the explanations provided by psychologists and physiologists) is another. Nothing is gained by trying to synthesize these two tasks, even though sometimes, cautiously and prudently, we permit the latter to affect the former, as when the courts decide to let psychiatrists offer complicated reasons for attributing diminished responsibility to a defendant.

Socrates, Sartre and Hume can be rendered consonant with Darwin. Kant, and most religious orthodoxies, cannot. But common sense is still largely religious and Kantian. The notion of an inbuilt and infallible conscience, which only a non-banal form of evil—a diabolical will—could ignore, is still pretty central to most Westerners' ideas of man and the universe. So is the notion that observation, experimentation and clear, precise, "logical" thinking will, sooner or later, lead us to what Kuhn

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calls "one full, objective, true account of nature." As Kuhn points out, however, such a notion, too, is hard to reconcile with Darwin. The idea that one species of organism is, unlike all the others, oriented not just toward its own increased prosperity but toward Truth, is as un-Darwinian as the idea that every human being has a built-in moral compass—a conscience that swings free of both social history and individual luck.

The philosophical battles between the formalists and the historicists—between those who want to isolate atemporal structures and those who think, with Freud, that "chance is not unworthy of determining our fate"—follow the same scenario whether the issue is scientific truth or moral agency. Philosophers on the one side want something to rely on, something that is not subject to chance. Philosophers on the other side try to find ways of preserving most of common sense while keeping faith with Darwin: with the realization that our species, its faculties and its current scientific and moral languages, are as much products of chance as are tectonic plates and mutated viruses. They try to explain how social democrats can be better than Nazis, modern medicine better than voodoo, and Galileo better than the Inquisition, even though there are no neutral, transcultural, ahistorical criteria that dictate these rankings.

The people on one side of this argument call their opponents irrationalists and claim that they are undermining the foundations of modern civilization. The people on the other side retort that their opponents are dogmatic metaphysicians, still in thrall to the self-deceptive, obsolete, religious hope that our species is, somehow, in the care of a power not ourselves, a power that keeps our heads turned toward the True and the Right. Feyerabend got a kick out of being called an irrationalist, and exaggerated his image by titling one of his books *Farewell to Reason*. But by the time he wrote this autobiography he was in a more sober mood. In *Killing Time* he says, "I never denigrated 'reason', whatever that is, only some petrified and tyrannical versions of it."

It is hard to tell which beliefs are essential to liberal democracy, to what Habermas has called "the unfinished project of modernity," and which are petrified and tyrannical dogmas. But telling the difference is what philosophers are for. Rummaging through common sense, trying to figure out what to keep and what to throw away, is what they do. Somebody has to, or else we shall suffocate, like the scholastics, under a pile of the shriveled husks of once fruitful ideas. Feyerabend sometimes did this job carelessly, but at his best he did it courageously and persuasively.

RICHARD RORTY is a University Professor of the Humanities at the University of Virginia.

The Naturalist

BY EUGEN WEBER

Zola: A Life by Frederick Brown

(Farrar, Straus and Giroux, 888 pp., $37.50)

Francesco Zolla was born in Venice in 1795, just before the great city's independence ended, of an old military family whose tradition he followed by joining the Austrian army. Doctor in Mathematics, author of a *Treatise on Surveying*, he resigned his commission in 1820 to become a civil engineer, inventor, entrepreneur, builder of railroads, canals, dams, port installations. The figure of this brilliant, resolute, obstinate dreamer, who was attracted to Louis-Phillipe's France after 1830, evokes the vanguard of Saint-Simonian engineers who carried out France's industrial and banking revolution of the nineteenth century. Changing his name to François Zola, the venturer settled in Marseille, where he planned the building of a new port. He then signed a contract with the municipality of nearby Aix-en-Provence for the building of a dam and a canal destined to supply the city with water. The conduit would become the Canal Zola; but its begetter died in 1847 of pneumonia caught on the worksite. An arriviste who never arrived, the 51-year-old François left behind a young widow, Emilie, whom he had wed in Paris, a 7-year-old son, Emile, and a tangled financial situation.

Emilie proceeded to spend twenty years trying to retrieve her husband's estate from swindlers, and in the process she lost what little she had left. Emile grew up a scholarship boy, at a time when being one was less honor than ordeal, a swotter, a bookworm covered with school prizes: "absolute bliss," as he remembered later. But Frederick Brown shows that Emile's youth was more than study. Tone deaf, he learned the clarinet and played it in the college band. Their pockets stuffed with books, Emile, Paul Cézanne and another schoolmate roamed the countryside around Aix, trod the red earth of Provence, sniffed lavender and gorse, climbed the chalk hills that Cézanne was to paint later, declaiming verse to one another, to the green pines, and the immense blue sky above. Alfred de Musset's Rolla, "born too late into a world too old," spoke to their diffuse adolescent angst. But Hugo reassured them: "Every man in his heart creates to his whim / A whole enchanted world made just for him."

Bucolic joys ended when Emile's mother, deep in legal entanglements, called the boy to Paris, where the bright prizewinner of Aix managed to fail his school-leaving exam, the *baccalauréat*, twice in a row. Displaced and disconcerted in the great wen of the capital, the rattled 17-year-old was forced to earn the humble living for two. The nineteenth century dealt straightforwardly with misery: it let the hungry survive if they could, or die if they couldn't. All but destitute, the Zolas survived by the skin of their teeth in a series of cheap rooms and tiny flats, unheated. Emile clerked in the docks, then found a job in the publishing firm of Hachette, where he soon passed from packaging books to publicizing them. By 1863 he was Hachette's advertising manager, earning a living wage, but still moving with his mother from one unpaid set of rooms to another, cheaper but no more affordable.

Freelance writing—essays, sketches, criticism, short stories, anything that would sell—offered a way to bring in more money, and pay higher rents for quarters more bright and better heated. "Under the whiplash of necessity," as he put it, *nulla dies sine linea* (no day without a line, one of Brown's chapter titles) became his slogan and his driving force. Stop writing, and they starved. Writing like an octopus, Emile doubled his income, then doubled it again. He left Hachette, set his mother up in separate

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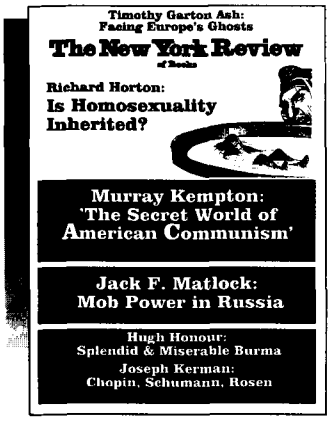

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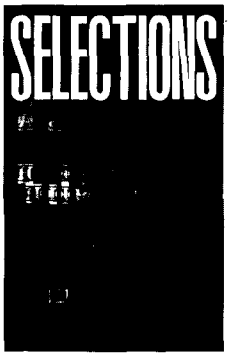

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quarters, met the woman he was going to marry and set up house with her, published his first novel, achieved a measure of recognition. Art criticism added another string to his bow. He championed the Impressionists: Manet's canvases "punched holes in the wall," Monet's temperament made him "a man among eunuchs." Reviewer, chronicler, essayist, polemicist, critic, he moved from lesser publications to better ones, from sporadic contributions to regular columns, from puny royalties to respectable payments. An obsessive-compulsive mother had trained an obsessive-compulsive son.

Just writing, though, was not enough. Creation, affirmation, are what matters if you want to make a name for yourself and make it last. The great literary pathfinders of Zola's day were realistic observers of human life such as Flaubert, of contemporary life like the Goncourt brothers, who rejected traditional, ancient, classic themes to focus on the here and now. Contemporaneity, modernity, had become battle cries; modernism (coined by the Goncourts) a label as recognizable as "classicism"; realism a growing school. Zola was a realist with a difference: he would describe what was by searching what lay beneath what was and made it tick. He would be a naturalist.

From the very first, the novels that he wrote in his mid-20s reflected the effect of reading Hippolyte Taine, whose proclamation that "virtue and vice are products like vitriol and sugar" Zola adopted as the epigraph of his *Thérèse Raquin* (1867); and Claude Bernard, whose *Introduction to the Study of Experimental Medicine* (1865) inspired the young writer to transfer scientific experiment from lab to library:

> We must work with the characters, the emotions, the human and social facts, as the chemist and the physicist work with matter.... Determinism dominates everything. Scientific investigation, experimental reasoning ... replace the novel of pure imagination by novels of observation and experiment.

Superficially faithful realist reports from the front of life did not go far enough. Naturalist novels had to show, as Zola's essay on *The Experimental Novel* insisted, "by means of experiments how passion behaves in the social environment."

Realism was the condensed and lively picture of average humanity. For realists, all clover had three leaves, because that's how most clover is. Romantics, more interested in exceptions than in rules, had sought the four-leaf clover. Naturalists were struck by cowpats splattered on the clover and, even more, by the "bestial and filthy rump" of society that produced the cowpats. Realists painting reality hoped to hear readers say, "That's it! How like the real thing!" Romantics hoped readers would recognize that exceptions were also true to life, yet more exciting: "How splendid the four-leaf clover!" Naturalists set out to stir and shock, while pretending their description was neutral and detached: ingestion, digestion, defecation, fertilization, brought grist to their mill. Like a whiff of ammonia, they made their readers sit up and take notice.

In accordance with the mood of hi

An Old Image [Alciati's Emblem #165]

At night the dog, as if it were a mirror,
Gazes at the moon, and seeing himself,
Believes another dog is in it, there;
He barks, but all in vain as his unheeded
Voice is carried off by the winds, and dread
Diana, deaf, continues in her course.

Poor doggie! But that's where we all are, *nicht wahr*?
—Or so the old nattering about ourselves
As seen in the natural mirror of all the dear
And all the dire beasts
Would have it: but two ways of translating
The dusty wisdom of Latin remain—for those
Of us, anyway who are versed in the living versions
Of crumbling monuments.
We could write "in" or "on," for to see yourself "in"
A mirror means "on" it—on its thinnest and most
Brilliantly self-denying of surfaces;
So that seeing yourself
Truly "in" it is to have seen something
More deeply found and more profound—as in
The trick-and-fun-fair mirrors of our language.

And, with regard to those beasts:
We see our own faults deeply, not on them nor even
In them—they are so marvelously opaque—
But deep at the heart of our knowledge of them, however
Faulty, wrong, twisted or bumpy it may be,
However imperfect, as is our adamic knowledge
Of our compassionate eves, in whatever false
Paradise we may momently feel we are in,
Even as darkness falls.

We gaze upon her; but who could ever look into
Diana, all coldness, unknowing and unknown:
Unpossessed ever, there being
Nothing inside this high phenomenon that
Gave or received the warming of penetration,
Her "silver" mirroring occurring in glitz
And darts; a foil for the "golden" sunlight, indeed, but
Returning nothing of the look of the world to the world's
Gaze, returning nothing
But the doggie's delusions, nothing but our composite
Monsters of image, half made, half made-out in all that bright,
Unblinding, but madly derivative
Light. A cautionary farce of reflectiveness.

We are more—as we come
To know it more, its soft infinite depths—
And see more of our old self-seeking selves,
In the profoundest mirror of the darkness.

JOHN HOLLANDER

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time, Zola's approach was scientific: experimental, physiological, genetic. Zola carried the realism of Flaubert and Goncourt further but, above all, he challenged and brought up to date the towering achievement of Balzac. Balzac had wrought a Human Comedy—an overview of human and social activities in his time—that his realist heirs had not so far attempted to equal. The 28-year-old Zola set out to do for his time, that of Louis-Napoleon's Second Empire, what Balzac had done for his: a cyclical depiction, with recurrent characters, covering all aspects of society; the human comedy of the generation that, like Zola himself, had sat in school when Balzac died in 1850.

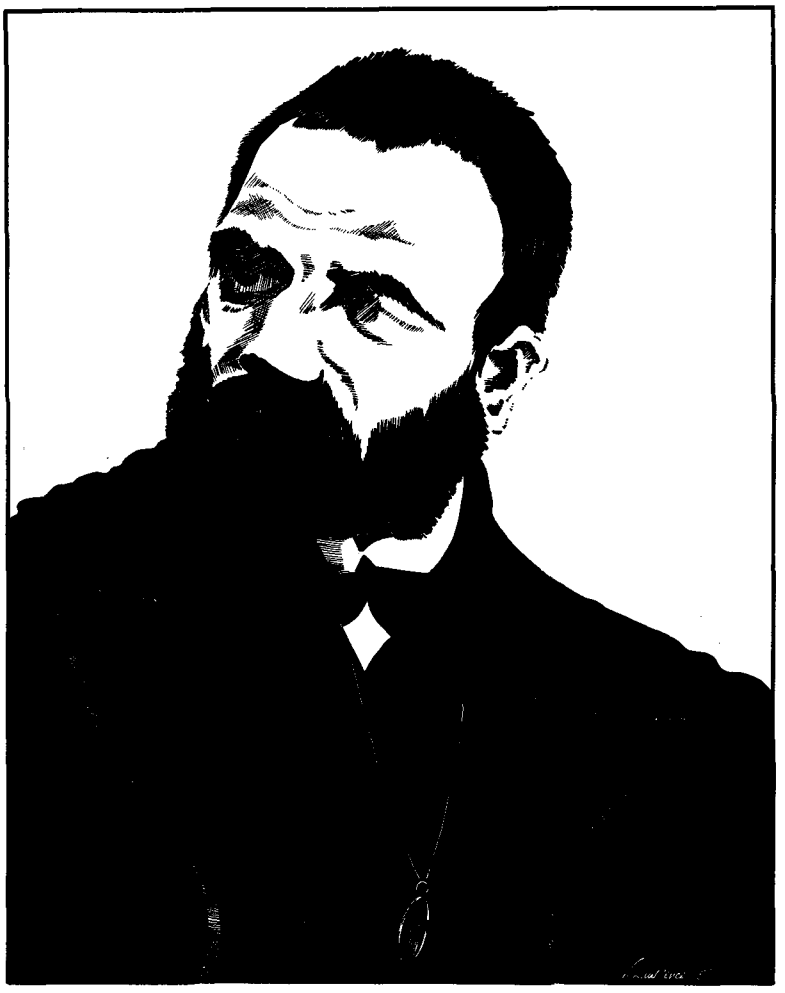
Planned to run ten to twelve volumes, Zola's comedy ended in a score of novels that took more than twenty years to write. And the plan he drew up at the start involved a cast of thousands revolving round the stem family born of the Rougons and the Macquarts, who provided the heroes and heroines of *The Natural and Social History of a Family Under the Second Empire.*

Les Rougon-Macquart, whose genealogical tree begins with an ancestress who died mad, depicts a family, a society, humanity that develops, deteriorates, adulterates, corrupts and perishes—a record of decline, exhaustion, degeneration, that ends in the catastrophic war of 1870-1871: *La Débâcle.* But *Les Rougon-Macquart* does not end with the fall of the Second Empire, as naturalism's predilection for downward slopes suggests. Zola's natural optimism, his religion of science, inspired one more volume, *Docteur Pascal* (1893), allegedly the depiction of a scientist-savior, but actually the symbolic affirmation of the novelist himself, creator of life, good robust researcher, footsoldier of a future on the wing. So Zola the would-be scientist was constantly modified by Zola the dreamer, Zola the pessimist by Zola the hopeful, Zola the dispassionate reporter by Zola the moralist.

The ambitious title of Zola's series was about heredity and social context. We have seen that the inspiration was drawn from the great scientific or pseudo-scientific theories of the moment: the determinism of Taine, the experimentalism of Claude Bernard, the natural selection theories of Charles Darwin, the views on natural heredity of Prosper Lucas. More romantic than positivist, Zola's grasp of science was hazy. He fancied himself a scientist in the laboratory of human experience; he turned out a musketeer (indeed, all four of them!) jousting for truth and justice.

Truth, justice and an argument: when Zola focused on people, the figures were reified by theory, turned into samples, stuffed into categories. Situations bring characters to life, but only to illustrate a context or a theme. Zola's novels, and many are very good, are problem novels, *romans à thèse,* where the *thèse* counts more than the *romans,* where characters never take the bit between their teeth but ever remain slaves of the argument. Solid will and enormous talent produced vast achievement; but Zola's comedy of the Second Empire stands in relation to Balzac's oeuvre as Louis-Napoleon's Empire does to that of Napoleon, his uncle.

Like Napoleon III's empire, the fiction of Zola proves more arbitrary and less substantial than its monumental predecessor. Zola's novels of social life, its mechanisms and its dynamics in Paris and the provinces, were not based on the personal experience that no amount of conscientious research can replace. State, stock exchange, parliament, trade are approached from afar, peeked at through keyholes, described by an assiduous (or prurient) outsider whose pages focus more on things than people, more on operations than on operators, more on merchandise than on merchants and their thought processes. The obverse of this approach is the commonsense materialism, the rather unsophisticated interpretations and the positive inspiration of Zola the popular writer. Tempered by idealism, social pessimism about today led to belief in progress tomorrow; and this set Zola apart from Taine, Flaubert, Goncourt, Huysmans, each of whom in his own way was more interested in escaping the world than in improving it.



EMILE ZOLA BY VINT LAWRENCE FOR THE NEW REPUBLIC

The philosophy of Flaubert and Huysmans was about rejecting what is; the philosophy of Zola is about mending or transcending it by effort, exertion, toil. Where Balzac worshiped will, Zola worshiped work. And the works of this self-made son of a self-made man, fruit of ceaseless, monumental labor, hold forth a simple, accessible, popular ideal of creative effort and of the creative possibilities of effort—an ideal that was also the ideal of the Third Republic. Zola's critics were put off by the melodramatic extremes of his naturalism: relentless destiny, overwhelming forces, irresistible drives, promiscuity rampant, greed raging, animal instincts running wild, purple passages, jungly prose. His admirers responded to the epic component, rare in his time: epic in its demotic rhetoric, in its commonplaces, in its preference for collective scenes and tidal movements, epic finally in the excitement it provoked among the rising or aspiring lower classes—teachers, artisans, clients of popular libraries, buyers of cheap popular editions.

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You deserve a factual look at...

The Golan Heights

To Whom Do They Belong? Can Israel Survive Without Them?

Now that Gaza and part of Judea/Samaria (the "West Bank") have been turned over to the Palestinians, the clamor for peace with Syria becomes ever more strident.It is understood that in order to attain such peace, it will be necessary for Israel to return the Golan Heights to Syria.

What are the facts?

Historical Background—The Golan was always part of the Jewish homeland. The Syrian claim to the Golan is tenuous. Syria, as a political entity, did not exist at all until after the first World War.

Even before the establishment of Israel in 1948, the Syrians subjected the villages in northern Israel to almost daily shellings, making normal life impossible. In the 1967 Six-Day War, Syria attacked Israel and was defeated. Israel occupied the Golan Heights and in 1981, for all practical purposes annexed the area.

Syria and its President—Syria is the most destabilizing influence in the Middle East. It is classified by the U.S. State Department as a narcotic-dealing and terrorist state. Its main fury is directed at Israel, which is perceived as a bulwark of Western influence and civilization, both of which Syria totally rejects.

Syria's President, Hafez Assad, is a tyrant, every bit as cunning as his Iraqi counterpart, Saddam Hussein. Under Assad, Syria is a world center for terrorism. It still harbors Nazi bigwigs who found welcome there after the World War. Few doubt that Assad was the mastermind in the suicide attack on the Marine barracks in Beirut in which 241 Americans died, and in the explosion of PanAm flight #103 in which 270 people lost their lives. He oversees one of the largest narcotics operations in the world.

Military Security—The Golan is about 10 miles wide, with a plateau on either side of a crest. If it were part of Syria it would be less than 1% of its territory. But it is of a supreme strategic importance to Israel. Its high ground provides early-warning capability, without which Israel would be subject to surprise attack by the Syrians. Its loss would obligate Israel to maintain a state of readiness and mobilization that would be economically and socially untenable. On the Golan itself, there are only two natural terrain bottlenecks through which tanks can advance. Those choke points are defensible and made possible the repulse of the 1400 Syrian tanks that attacked Israel in the 1973 war. But with the Golan in Syrian hands, and without the radar installations that would give Israel warning of any military movements, thousands of tanks—backed up by missiles and airplanes—could overrun Israel in a matter of hours. The Golan does not make for perfect defense, but it gives Israel a small breathing space for mobilization.

> "With the Golan in Israeli hands, attacking Arabs could be confident of defeat and peace would be preserved. To hand the Golan to Syria is a prescription for war and for Israel's destruction."

The Golan is the source of over one-third of Israel's fresh water. In 1964, with the Golan in Syrian hands, Syria attempted to divert these headwaters and to cripple Israel's water supply. It is more than likely that, given another opportunity, Syria would once again attempt to destroy Israel's water supply.

The current Israeli government, in its keen desire to bring peace to its people, after almost fifty years of war and bloodshed, would seem prepared to give up the limited strategic security it now enjoys by virtue of its possession of the high ground—the ridges of Judea/Samaria (the "West Bank") and of the Golan Heights. But Israel should not return to the "death trap" borders of 1967 or anything close to it. In order to survive within such borders, Israel would have to rely on the goodwill of the Arab states, all of which—except for the cold peace with Egypt—are still in a declared state of war with Israel. An aggressor will attack only if confident of victory. With the Golan in Israeli hands, attacking Arabs could be confident of defeat, and peace would be preserved. To hand the Golan to Syria is a prescription for war and for Israel's destruction.

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The public of Zola was petty bourgeois: middle class and lower middle class. There are wealthy characters in his novels, all of them bad, most of them parvenus whose opulence has infamous origins. There are none, or few, who were born rich, who incarnate tradition, no men or women of the world, no "society" except corrupt society. His novels are novels of the left: "The Republic will be naturalist, or it will not be!" So, Zola was the poet of the Republic, of republicans, of the up and coming, of their bloodless but passionate surge out of a putrid present toward a better future.

Frederick Brown, who has written other excellent books, does not quite tell us all this, but he tells us much more than this. His bulky biography covers both life and works, it teems with details, it outlines and discusses publications and relationships. The deliberate tour can become tedious, the crowded trees sometimes conceal the forest, but the persistent reader reaps rewards. Brown is good on Zola's youth and on his relations with friends, admirers and the women in his life: his mother, Emilie; Alexandrine, his wife; and Jeanne, the mistress acquired late in life, who gave him two children and a second youth. He is excellent on Zola's mental and physical health, concerning which, just like his hero, he furnishes frequent bulletins. Though sturdily built, fond of gardening, cycling and country walks, Zola suffered from rheumatic, cardiac, kidney and stomach problems, from gluttony and, worst of all, from *pollakiuria*, which Brown explains as a constant need to urinate, that made him keep a chamber pot beside his desk and turned railway journeys into squirming torments.

Superstitious, ritualistic, driven, he was nearsighted, timid, given to self-doubt, anguish, colic, palpitations, chest pains, insomnias, depressions; and his hands trembled so that he needed both to raise a glass of wine. Brown also quotes a medical man who found his "sexual appetite ... not very expansive"—a lack of interest no doubt reinforced by current beliefs that true virility and self-containment were as one. This would explain Zola's *idée fixe*, as Brown calls it, "that sexual pleasure leads to creative impotence."

Brown is also good about the background, circumstances and rewards of literary creation; the determined documentation and research—plans, notes, files, index cards; the extraordinary productivity of an overachiever who seems to have written novels with one hand and journal articles with the other. Like

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many another writer, Zola recycled scripts for use in several forms and forums, and even dispatched a disciple armed with his press card to attend plays and send back notes for the master to write up at home. As he grew older (and as newly discovered sexual pleasures led to creative impotence?), Zola's writing deteriorated, his journalism began to draw sneers. Completed in 1893, *Docteur Pascal* turned out the weakest, preachiest and most confused of the *Rougon-Macquart* series.

Just when inspiration seemed to ebb, however, the Dreyfus Affair provided a logical—and triumphant—conclusion to Zola's career. Accused of revealing military secrets to France's German foe, Captain Alfred Dreyfus had been tried by a military court martial in 1894, found guilty of treason and sentenced to moulder on Devil's Island, off the coast of South America. By 1897, new evidence was turning an open-and-shut case into a can of worms where contentious legal issues were complicated by the clash of republicanism and anti-republicanism, clericalism and anti-clericalism, reaction and social reform, blind patriotism and rational criticism, all whipped up further by xenophobia and anti-Semitism.

Zola, son of an Italian father and a French mother, had become a Frenchman only after he reached the age of 21. He had always detested xenophobia and anti-Semitism, always chosen "the side of the vanquished." Persuaded that Dreyfus had been wronged, he became a revisionist. In December 1897, *Figaro* let him go: his polemics raised too many hackles. *J'Accuse*, in January 1898, a flaming denunciation that charged army officers with finding Dreyfus guilty "by order" and the army with suppressing evidence, raised a great many more. The aging writer was catapulted into a maelstrom of mischief and danger. Hauled into court, railroaded as Dreyfus himself had been, mobs baying for his life, Zola exiled himself to London. After that January, things were never the same.

The Jesuit *Civilità Cattolica* reacted at once:

> [The Jewish] plot was hatched at the Zionist Congress in Basel.... The Protestants have joined the Jews ... Germany provides their money. The Jews allege judicial error. The true error was that of the Constituent Assembly which granted them French citizenship. That law must be repealed.

On the other side, *L'Univers israélite* denounced a conspiracy of the Church against the Spirit, and concluded: "It's up to us, Jews, Protestants, Freemasons and whoever wants light and liberty, to join the fight to help France retain its glorious rank among the nations."

Republicans all, Jews, Protestants and Freemasons were joined by "intellectuals"—a pejorative term first used by the anti-revisionist press. *J'Accuse* precipitated the university into the revisionist camp, and made clear where republican loyalists should stand. The day after Zola was sentenced to one year in prison for having written it, the League of the Rights of Man was founded, identifying the cause of Dreyfus (and Zola) with that of the French Revolution, of civic education, of the republican spirit. "Filled with rage and sorrow," Zola watched most of this from London: the political struggles in parliament and press, the tug of war between military and civil jurisdictions—the former determined to find revisionists guilty of heinous crimes, the latter inclining to the letter of the laws on which their political masters eventually chose to take their stand. As usual in France (but is France so unusual?), court cases may function as extensions of political conflicts. They did so then. Governments opposed to a revision of Dreyfus's sentence wanted Zola found guilty. When governments favoring revision took over, Zola was free to return home.

His health had deteriorated, and so had his income, which never recovered. His post-*J'Accuse* sales testify to the wisdom of the political detachment that he had long maintained. The works that followed the *Rougon-Macquart* saga were never a success, and they are practically forgotten today. Always a moralist and a pedagogue, the storyteller had turned advocate in earnest. His writings became increasingly homiletic, pathetic, haranguing the reader rather than engaging him, enjoining French women to produce more children "so that France may retain her rank, her power, her prosperity"; proclaiming no longer the squalor and the blemishes of labor but its nobility. Yet these novels that were not much prized and that few, in our own day, bother to pick up, document many fin-de-siècle debates: *Lourdes* and *Rome*, the long war with the Catholic Church; *Paris* the anarchist scare of the 1890s and the radical chic of those years; *Fécondité* (Fertility) the natalist debate; *Travail* (Labor) the cooperative movement and the struggles of socialism about to find its feet. The last two books opened a new quartet, "The Four Gospels," in direct reference to "the Gospel of the Rights of Man" which the League of the same name had just revived. In September 1902, Zola was working on the third gospel, *Vérité* (Truth), a fictionalized account of the Dreyfus Affair, when he died, poisoned by carbon monoxide fumes from a blocked chimney.

Rumors of foul play, based on the many death threats the writer had received, seem to have been borne out by tardy revelations made in the French press in 1953. Zola, Brown inclines to believe, was probably murdered by an ill-wisher who blocked up his chimney flue one day and unblocked it the following morning. But the government cut off discussion and suppressed what evidence there was. Instead, in 1908, Zola's remains were transferred from Montmartre Cemetery to the Pantheon where he rests today, recognized at last as one of France's glories.

Brown does not mention a testimonial that would have pleased Zola no less. In 1928, the *Théâtre de Belleville*, the last truly popular theater in a popular quarter of the capital, revived *L'Assomoir* (The Dram Shop) and played it to packed houses. An account in a populist daily, *L'Ami du peuple*, described the hall crammed with a fascinated working-class public: "They know that alcohol is a fearful poison ... and I have seen women glance anxiously at their husbands during the brutal scene of Coupeau's *delirium*, [while] the men follow it with feverish intensity." When, in another scene, a noble workingman appeals to his fellows not to dishonor the people, "a thunder of applause" and cheers brings down the house. Epic naturalism continued to prove itself.

Vigorous, powerful, ample, robust, are adjectives as properly applied to Zola as to his biographer. And Zola, too, sometimes went on too long. Brown certainly does. His pithy paragraphs on Flaubert and Turgenev, Scribe and Dumas *fils*, make one long for similar conciseness elsewhere. That wish is not always granted. A good few passages beg for skipping, lest one should trip over the kitchen sink. But one can't look a monument in the mouth, and I would rather have Brown's *Zola* than not. It is judicious, clear, well-written, well-constructed, full of information and good sense. Even the frequent psychological interpretations read plausibly and avoid jargon. As Brown quotes Zola, "A work of art is a corner of creation seen through a temperament." Brown has allowed his readers to approach Zola's creation through a full picture of this temperament.

EUGEN WEBER is the author most recently of *The Hollow Years: France in the 1930s* (W.W. Norton).

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NEW YORK DIARIST

The nerd frontier

THOUGH I STILL CATCH THE OCcasional sci-fi flick, I stopped reading science fiction when I realized that most of it merely uses space exploration as an excuse for moral allegories or thinly disguised westerns. To its credit, allegorical science fiction has produced literature of the first rank in C.S. Lewis's *Out of the Silent Planet* trilogy and Frederick Turner's *Genesis*, an epic poem that uses the colonization of Mars as a parable about human attitudes toward technology and nature. Most tales of planetary colonization, though, are dumb stories whose real subject is the wanderings of white Americans west of the Mississippi. *Lost in Space* was really about getting stranded on vacation in Monument Valley in a gas-guzzling RV. Ray Bradbury's *The Martian Chronicles* was really about Okies moving to California. His Martians were the old Spanish Californians, a musical people who had somehow vanished, leaving nothing but historic ruins that provoked melancholy thoughts about transience in middle-class newcomers on Sunday drives. Substitute Mars for Montana and rockets for Conestogas and you have the vision of the Nerd Frontier: "Land o' Goshen, Pa! Looks like you'd better whip up a fresh mess o' hydrogen!"

"WITHIN THE DOMES, COLONISTS will live in red brick or perhaps New Mexico-style stucco houses and plant gardens," writes Robert Zurbin in a recent issue of *Final Frontier*, a magazine devoted to space exploration. " ... As more people arrive and stay longer before they leave, the population of the town will grow. In the course of things, children will be born and families will be raised on Mars." Yeah, right. "From a transportation technology viewpoint, Mars is as viable a target for colonization today as North America was in 1600"—this is Zurbin again, writing in that space-enthusiast style that cannot be parodied. " ... Why go to Mars? For many of the same reasons people went to Colonial America: because they want to make a mark, or to make a new start, or because they are members of groups persecuted back on Earth." So there's the answer to the Chechnya problem: give the Chechens a fleet of Saturn V's, and they can have their own republic in a Martian crater. Maybe the Reverend Sun Myung Moon and his persecuted followers can find refuge on—well, you know.

ONE OF RAY BRADBURY'S MARTIAN stories—"Way Up in the Middle of the Air"—has black Americans migrating from a bigoted Southern town to the Red Planet. (Guess the price of train tickets to Chicago went up.) Sadly, had the black space pioneers traveled beyond the solar system, they would have discovered that most extraterrestrials, if Gene Roddenberry and George Lucas are to be believed, are white people (albeit with funny ears or noses). The exceptions are the Klingons (the Yellow Peril) and the cuddly aliens in *Star Wars*, who are content for the most part to act as sidekicks to humans, like the mascots of football teams.

"STAR TREK" WAS CONSIDERED daringly progressive in its day for having a black woman among the starship crew (if only as the receptionist). Still, the world had to wait for a second series—"Star Trek: The Next Generation"—before a planet inhabited by blacks was finally located. When the King of the Black Extraterrestrials was beamed aboard the *Enterprise*, he was dressed in faux-African garb and accompanied—I kid you not—by native drummers. The aliens took the starship's blond female security officer hostage and did not release her until they were intimidated by a phaser display. A friend of mine summarized the plot: "First officer, we seem to have discovered a Negro Planet!" "Captain, the Alien Negroes have kidnapped a White Woman!" "First Officer, let us flash some lights and frighten the Negroes!"

HERE'S AN IDEA FOR SOME BUDding Roddenberry or Lucas out there: a party of white Orange County Republicans rockets out of California and travels to the Epsilon Eridani star system. To their horror, they discover that the aliens speak Spanish—and have just passed a law denying emergency landing rights to earthlings....

MAYBE THE MOVIE *APOLLO 13* WILL revive the romance of manned spaceflight. More likely, a vicarious near-death experience in a portable toilet hurtling through a freezing vacuum will inspire audiences to kiss the ground as they emerge from theaters and look with new wonder and respect at the achievements of American ground transportation. In the battle for diminishing federal funds for research and development, *Apollo 13* may instead be a great propaganda coup for Amtrak. Which would serve NASA right. For decades NASA and the Pentagon have been using sci-fi as sucker bait to win support for their projects from voters who, from whatever motive, hope that one day their grandchildren might be shipped to another planet. The military's role has been underplayed, for the simple reason that many of the Pentagon's space projects are secret. Still, when an accurate history of the U.S. space program is someday written, the military purpose of the manned space program will be recognized as central. The Apollo program was, first and foremost, a message to Moscow.

IT'S HARD TO THINK OF PARALlels to the space industry's cynical manipulation of pop culture. The equivalent, I suppose, would be drafting reruns of "Voyage to the Bottom of the Sea" and the current series "Seaquest D.S.V." as advertisements for the Navy submarine program. The comparison is pretty close, come to think of it. The only people who are ever likely to live for extended periods in outer space will be members of the military, living for months or years in cramped quarters like those of a nuclear sub (assuming the further militarization of outer space is not undertaken entirely by robots who are not only "smart" but mean). And, if there are any civilians at all on long-term missions in space, they will be dedicated scientists like today's Antarctic research teams or, perhaps, the equivalent of roustabouts on the North Slope or on rigs in the North Atlantic. The latter parallel is the conceit that underlies the only plausible vision of human settlement on another world: the movie *Outland*, starring Sean Connery. The space-suited coolies who, in the movie, mine Jupiter's toxic moon Io need a steady supply of drugs to keep them sane. Occasionally a miner will overdose and suffer from hallucinations—say, of cute New Mexico-style stucco houses in subdivisions on Mars.

MICHAEL LIND

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Where We Stand

By Albert Shanker, President
American Federation of Teachers

Eleven, Twelve, Thirteen...

How come Asian students do so much better in math than American students? It's not just that they score at the top of international exams designed to compare math achievement—while our students are somewhere at or close to the bottom. Every measure we have shows that Chinese, Japanese and Taiwanese students achieve at a higher level than American students, beginning in first grade.

There isn't any shortage of theories about this, and many are plausible, at least in part—Asian students work harder; they spend more class hours learning math; the teaching materials and methods their teachers use are superior to most of ours. Now, Ian Thompson, a lecturer at the University of Newcastle upon Tyne in England, offers a new and intriguing explanation of the achievement gap. In a recent article in the *Times Educational Supplement* (May 26, 1995), Thompson points out that students in England, too—and indeed all English-speaking students—do poorly in math in comparison with Asian students. The problem, he says, is in the English language—specifically, the irregularity of our number words.

Small things can cause enormous problems for first graders who are struggling to learn the basics of math.

What do English number words have to do with math achievement? Thompson believes that they can hinder young students' understanding of place value, a basic concept that these youngsters come up against as soon as they start learning two-digit numbers: "This subtle and powerful concept involves the use of just 10 different symbols, and yet, by ascribing a different value to a numeral dependent on its position in relation to other numerals, it allows the writing of numbers of any size." Thus, we understand the difference between 46 and 64, even though the individual numbers are the same, because of the concept of place value. Failure to understand it, Thompson says, "will almost inevitably lead to later difficulties with mental or written computations."

According to Thompson, the number words in Chinese and Japanese are logical and regular. Counting from one to ten proceeds as it does in English. But after ten, comes ten one (11), ten two (12), ten three (13), and so forth. Ten nine (19) is followed by two ten (20), two ten one (21), two ten two (22); and two ten nine (29) is followed by three ten (30), all the way up to nine ten nine (99) and beyond. Place value is just as clear in the words as it is in the numbers themselves.

The English system is not entirely logical or regular, and it contains words that, as Thompson says, "are likely to conceal the basic tens and ones pattern of the system." The irregularities are especially striking between eleven and twenty—just where they are likely to create the most confusion for young students who may just have mastered the numbers from one to ten and are not yet secure about the basic pattern.

The words *eleven* and *twelve* give no hint of the fact that they mean ten and one and ten and two. Numbers in the teens are confusing because "they contain words which reverse the underlying tens and ones pattern: we say fourteen and sixteen but twenty-six, thirty-six and ninety-six." And children who are just learning to count and compute using two-digit numbers are likely to be further confused by the fact that place value *is* observed when we express the teen numbers as numerals: Fourteen and fifteen, for example, are written as place value dictates (14 and 15), rather than as they sound (41 and 51).

Thompson points to several other irregularities in the numbers between one and one hundred, like the pronunciation of 20, 30 and 50. It is not *two-ty, three-ty* and *five-ty*, as in the other decade words, but *twenty, thirty* and *fifty*. And he stresses the extreme regularity of comparable words in Asian languages. From one to one hundred, Japanese uses the word for ten in 90 of the numbers, "thereby helping to reinforce the basic underlying regularity of the number word system." In English, we use three different words to mean ten. The word *ten* is used only once. The suffix *teen* signifies ten in the numbers from 13 to 19, and then *ty* abruptly takes its place. Again, the relationship between *teen, ty* and *ten* will not be obvious to young students who are just beginning their study of math.

These irregularities undoubtedly look small to adults. But small things can cause enormous problems for first graders who are struggling to learn the basics of math, and Thompson points to a cause at the very beginning of schooling that could very well lay the groundwork for later problems.

Has Thompson presented us with the whole answer to the troubling question of why Asian students achieve at higher levels in math than American students? No, and he doesn't pretend to. Undoubtedly many factors, both cultural and educational, contribute. But his suggestion is worth attention and study. If it turns out to be sound, we should seriously consider introducing number words that consistently reflect place value into American schools.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W., Washington, D.C. 20001. © 1995 by Albert Shanker.

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